

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

42ND LEGISLATIVE DAY

WEDNESDAY, MAY 16, 2001

10:30 O'CLOCK A.M.

No. 42  
[May 16, 2001]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Dr. Richard P. Ahlgrim, Berean Baptist Church,  
 Springfield, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Monday, May 14, 2001, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journal of Tuesday, May 15, 2001 be postponed pending arrival of the printed Journal.

The motion prevailed.

#### LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 572  
 Senate Amendment No. 1 to House Bill 2228  
 Senate Amendment No. 2 to House Bill 2391  
 Senate Amendment No. 3 to House Bill 2391  
 Senate Amendment No. 1 to House Bill 2595  
 Senate Amendment No. 1 to House Bill 3125  
 Senate Amendment No. 1 to House Bill 3128

#### EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by  
 Mr. Rossi, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3363  
 A bill for AN ACT concerning townships.

Passed the House, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bill No. 3363 was taken up, ordered printed and placed on first reading.

A message from the House by  
 Mr. Rossi, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage

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of a bill of the following title, to-wit:

SENATE BILL NO. 3

A bill for AN ACT to create the Drug or Alcohol Impaired Minor Responsibility Act.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 3

House Amendment No. 2 to SENATE BILL NO. 3

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3

AMENDMENT NO. 1. Amend Senate Bill 3 by deleting all of Section 15.

AMENDMENT NO. 2 TO SENATE BILL 3

AMENDMENT NO. 2. Amend Senate Bill 3 on page 1, line 29, after "drugs", by inserting "by a person under the age of 18".

Under the rules, the foregoing Senate Bill No. 3, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 115

A bill for AN ACT to amend the Illinois Vehicle Code by changing Sections 5-101 and 5-102.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 115

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 115

AMENDMENT NO. 2. Amend Senate Bill 115 as follows:

on page 8, by replacing lines 10 through 29 with the following:

"(j) Except at the time of sale or repossession of the vehicle, no person licensed as a new vehicle dealer may issue any other person a newly created key to a vehicle unless the new vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The new vehicle dealer must retain the copy for 30 days.

A new vehicle dealer who violates this subsection (j) is guilty of a petty offense. Violation of this subsection (j) is not cause to suspend, revoke, cancel, or deny renewal of the new vehicle dealer's license."; and

on page 15, by replacing lines 7 through 26 with the following:

"(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue any other

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person a newly created key to a vehicle unless the used vehicle dealer makes a copy of the driver's license or State identification card of the person requesting or obtaining the newly created key. The used vehicle dealer must retain the copy for 30 days.

A used vehicle dealer who violates this subsection (k) is guilty of a petty offense. Violation of this subsection (k) is not cause to suspend, revoke, cancel, or deny renewal of the used vehicle dealer's license."

Under the rules, the foregoing Senate Bill No. 115, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 162

A bill for AN ACT in relation to public aid.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 162

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 162

AMENDMENT NO. 1. Amend Senate Bill 162 after the end of Section 5, by inserting the following:

"Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 162, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 368

A bill for AN ACT concerning liability for debit card use.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 368

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 368

AMENDMENT NO. 1. Amend Senate Bill 368 on page 1, line 5, by changing "0.01, 1, and 2" to "0.01 and 1 and adding Section 3"; and on page 2 by replacing lines 12 through 33 with the following:

"(815 ILCS 145/3 new)

Sec. 3. Unauthorized use of debit card; amount of liability. A

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person's liability for the unauthorized use of a debit card resulting in an electronic fund transfer from that person's account or a series of related electronic fund transfers shall not exceed the amounts and shall be subject to the provisions set forth in Regulation E adopted by the Board of Governors of the Federal Reserve System (12 CFR 205.6)."; and  
by deleting all of page 3.

Under the rules, the foregoing Senate Bill No. 368, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 382

A bill for AN ACT regarding health facilities.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 382

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 382

AMENDMENT NO. 1. Amend Senate Bill 382, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 6.08 as follows:

(210 ILCS 85/6.08) (from Ch. 111 1/2, par. 147.08)

Sec. 6.08. (a) Every hospital shall provide notification as required in this Section to police officers, firefighters, emergency medical technicians, paramedics and ambulance personnel who have provided or are about to provide emergency care or life support services to a patient who has been diagnosed as having a dangerous communicable or infectious disease. Such notification shall not include the name of the patient, and the emergency services provider agency and any person receiving such notification shall treat the information received as a confidential medical record.

(b) The Department shall establish by regulation a list of those communicable reportable diseases and conditions for which notification shall be provided.

(c) The hospital shall send the letter of notification within 72 hours after a confirmed diagnosis of any of the communicable diseases listed by the Department pursuant to subsection (b), except confirmed diagnoses of Acquired Immunodeficiency Syndrome (AIDS). If there is a confirmed diagnosis of AIDS, the hospital shall send the letter of notification only if the police officers, firefighters, emergency medical technicians, paramedics or ambulance personnel have indicated on the ambulance run sheet that a reasonable possibility exists that they have had blood or body fluid contact with the patient, or if hospital personnel providing the notification have reason to know of a possible exposure.

(d) Notification letters shall be sent to the designated contact at the municipal or private provider agencies listed on the ambulance run sheet. Except in municipalities with a population over

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1,000,000, a list attached to the ambulance run sheet must contain all municipal and private provider agency personnel who have provided any pre-hospital care immediately prior to transport. In municipalities with a population over 1,000,000, the ambulance run sheet must contain the company number or unit designation number for any fire department personnel who have provided any pre-hospital care immediately prior to transport. The letter shall state the names of crew members listed on the attachment to the ambulance run sheet and the name of the communicable disease diagnosed, but shall not contain the patient's name. Upon receipt of such notification letter, the applicable private provider agency or the designated infectious disease control officer of a municipal fire department or fire protection district shall contact all personnel involved in the pre-hospital or inter-hospital care and transport of the patient. Such notification letter may, but is not required to, consist of the following form:

NOTIFICATION LETTER  
(NAME OF HOSPITAL)  
(ADDRESS)

TO:..... (Name of Organization)  
FROM:.....(Infection Control Coordinator)  
DATE:.....

As required by Section 6.08 of the Illinois Hospital Licensing Act, .....(name of hospital) is hereby providing notification that the following crew members or agencies transported or provided pre-hospital care to a patient on ..... (date), and the transported a patient who was later diagnosed as having .....(name of communicable disease): .....(list of crew members). The Hospital Licensing Act requires you to maintain this information as a confidential medical record. Disclosure of this information may therefore result in civil liability for the individual or company breaching the patient's confidentiality, or both.

If you have any questions regarding this patient, please contact me at .....(telephone number), between .....(hours). Questions regarding exposure or the financial aspects of obtaining medical care should be directed to your employer.

(e) Upon discharge of a patient with a communicable disease to emergency personnel, the hospital shall notify the emergency personnel of appropriate precautions against the communicable disease, but shall not identify the name of the disease.

(f) The hospital may, in its discretion, take any measures in addition to those required in this Section to notify police officers, firefighters, emergency medical technicians, paramedics and ambulance personnel of possible exposure to any communicable disease. However, in all cases this information shall be maintained as a confidential medical record.

(g) Any person providing or failing to provide notification under the protocol required by this Section shall have immunity from any liability, either criminal or civil, that might result by reason of such action or inaction, unless such action or inaction is willful.

(h) Any person who willfully fails to provide any notification required pursuant to an applicable protocol which has been adopted and approved pursuant to this Section commits a petty offense, and shall be subject to a fine of \$200 for the first offense, and \$500 for a second or subsequent offense.

(i) Nothing in this Section shall preclude a civil action by a firefighter, emergency medical technician, paramedic or ambulance crew member against an emergency services provider agency, municipal fire department, or fire protection district that which fails to

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inform the member ~~such-crew-member~~ in a timely fashion of the receipt of a notification letter.  
(Source: P.A. 86-820; 86-887.)".

Under the rules, the foregoing Senate Bill No. 382, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 526

A bill for AN ACT concerning the regulation of professions.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 526

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 526

AMENDMENT NO. 1. Amend Senate Bill 526 by replacing everything after the enacting clause with the following:

"Section 5. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Section 135 as follows:

(225 ILCS 446/135)

Sec. 135. Temporary suspension. The Director may temporarily suspend a license licensee without a hearing, simultaneously with the initiation of proceedings for a hearing provided for in Section 130 of this Act, if the Director finds that evidence in his or her possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. If the Director temporarily suspends the license of a licensee without a hearing, a hearing by the Board shall be held within 30 days after the suspension has occurred.  
(Source: P.A. 88-363.)".

Under the rules, the foregoing Senate Bill No. 526, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 527

A bill for AN ACT concerning the regulation of professions.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 527

Passed the House, as amended, May 15, 2001.

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ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 527

AMENDMENT NO. 1. Amend Senate Bill 527 on page 1, line 5, after "2", by inserting "and by adding Section 3.2"; and on page 2, after line 23, by inserting the following:

"(225 ILCS 75/3.2 new)

Sec. 3.2. Practice of optometry. An occupational therapist may not perform an act, task, or function primarily performed in the lawful practice of optometry under the Illinois Optometric Practice Act of 1987."

Under the rules, the foregoing Senate Bill No. 527, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 528

A bill for AN ACT concerning the regulation of professions.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 528

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 528

AMENDMENT NO. 1. Amend Senate Bill 528, on page 1, by replacing lines 7 through 12 with the following:

"Sec. 5-21. No registered nurse or licensed practical nurse may perform refractions and other determinations of visual function or eye health diagnosis. A registered nurse or licensed practical nurse may participate in these activities with the direct on-site supervision of an optometrist licensed under the Illinois Optometric Practice Act of 1987 or a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987."

Under the rules, the foregoing Senate Bill No. 528, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 574

A bill for AN ACT in relation to taxes.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 574

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Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 574

AMENDMENT NO. 1. Amend Senate Bill 574 on page 1, line 7, after "8-11-2.", by inserting "Municipal occupation and privilege taxes."; and on page 4, by deleting lines 4 through 7; and by deleting lines 14 through 34 on page 7 and lines 1 through 8 on page 8.

Under the rules, the foregoing Senate Bill No. 574, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 713

A bill for AN ACT in relation to taxes.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 713

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 713

AMENDMENT NO. 1. Amend Senate Bill 713 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding Section 18-181 as follows:

(35 ILCS 200/18-181 new)

Sec. 18-181. Abatement for newly-constructed base load electric generating stations.

(a) Any taxing district that has an assessed valuation for the year 2000, as equalized by the Department of Revenue, that is at least 15% less than its assessed valuation for the year 1999 may, upon a majority vote of its governing authority, contract with the owner of a base load electric generating station with a generating capacity of at least 500 megawatts newly-constructed within the taxing district for the abatement of the station's taxes for a period not to exceed 10 years, subject to the following limitations:

(1) if the equalized assessed valuation of the newly-constructed base load electric generating station is equal to or greater than \$25,000,000 but less than \$50,000,000, then the abatement may not exceed (i) over the 10-year term of the contract, 5% of the taxing district's aggregate taxes from the newly-constructed base load electric generating station and (ii) in any one year of the contract, 20% of the taxing district's taxes from the newly-constructed base load electric generating station;

(2) if the equalized assessed valuation of the newly-constructed base load electric generating station is equal to or greater than \$50,000,000 but less than \$75,000,000, then the abatement may not exceed (i) over the 10-year term of the

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contract, 10% of the taxing district's aggregate taxes from the newly-constructed base load electric generating station and (ii) in any one year of the contract, 35% of the taxing district's taxes from the newly-constructed base load electric generating station;

(3) if the equalized assessed valuation of the newly-constructed base load electric generating station is equal to or greater than \$75,000,000 but less than \$100,000,000, then the abatement may not exceed (i) over the 10-year term of the contract, 15% of the taxing district's aggregate taxes from the newly-constructed base load electric generating station and (ii) in any one year of the contract, 50% of the taxing district's taxes from the newly-constructed base load electric generating station;

(4) if the equalized assessed valuation of the newly-constructed base load electric generating station is equal to or greater than \$100,000,000, then the abatement may not exceed (i) over the 10-year term of the contract, 20% of the taxing district's aggregate taxes from the newly-constructed base load electric generating station and (ii) in any one year of the contract, 60% of the taxing district's taxes from the newly-constructed base load electric generating station.

(b) The contract is not effective unless it contains provisions requiring the owner of the newly-constructed base load electric generating station to repay to the taxing district all amounts previously abated, together with interest computed at the rate and in the manner provided for delinquent taxes, in the event that the owner of the newly-constructed base load electric generating station closes the station before the expiration of the contract period.

(c) The authorization of taxing districts to contract under this Section expires on January 1, 2002.

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 713, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 869

A bill for AN ACT to amend the Illinois Insurance Code by changing Section 424.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 869

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 869

AMENDMENT NO. 1. Amend Senate Bill 869 on page 1, line 30, by changing "law of this State" to "provision of this Code".

Under the rules, the foregoing Senate Bill No. 869, with House  
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Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1521

A bill for AN ACT relating to education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1521

Passed the House, as amended, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1521

AMENDMENT NO. 1. Amend Senate Bill 1521 by replacing the title with the following:

"AN ACT relating to education."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Illinois Future Teacher Corps Scholarship Fund.

Section 10. The Higher Education Student Assistance Act is amended by adding Section 65.65 as follows:

(110 ILCS 947/65.65 new)

Sec. 65.65. Illinois Future Teacher Corps Scholarships.

(a) In this Section:

"Fees" means matriculation, graduation, activity, term, or incidental fees. "Fees" does not include any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and maintenance of buildings the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of an institution of higher learning.

"Shortage" means an unfilled teaching position or one that is filled but is occupied by a person who is not fully certified by the State for that teaching position at the start of the school year.

"Scholarship" means an Illinois Future Teacher Corps Scholarship.

"Tuition and other necessary fees" includes the customary charge for instruction and use of facilities in general and the additional fixed fees charged for specified purposes that are required generally of non-scholarship recipients for each academic term for which the recipient of a scholarship under this Section actually enrolls. "Tuition and other necessary fees" does not include fees payable only once or breakage fees and other contingent deposits that are refundable in whole or in part. "Tuition and other necessary fees" does not include expenses for any sectarian or denominational instruction, for the construction or maintenance of sectarian or denominational facilities, or for any other sectarian or denominational purposes or activity.

(b) A program is created to provide new teacher training scholarships, to be known as Illinois Future Teacher Corps Scholarships. The scholarships are for full-time undergraduate and graduate students pursuing studies at qualified institutions of

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higher learning leading to teacher certification in this State. To receive a scholarship, a graduate student must be seeking retraining, from another field, to enter a teaching career. No more than half of the scholarships shall be awarded to graduate students seeking retraining.

(c) The Commission, in accordance with rules adopted for the program created under this Section, shall provide funding, determine the eligibility of applicants, and designate each year's new recipients from among those applicants who qualify for consideration by showing:

(1) that he or she is a resident of this State and a citizen or a lawful permanent resident alien of the United States;

(2) that he or she (i) has successfully completed the program of instruction at an approved high school or (ii) is a student in good standing at that school and is enrolled in a program of instruction that will be completed by the end of the school year and, in either event, that his or her cumulative grade point average was or is in the upper one-third of his or her high school class;

(3) that he or she has a superior capacity to profit by a higher education; and

(4) that he or she intends to teach in an elementary or secondary school in this State.

(d) If for any academic year the number of qualified applicants exceeds the number of scholarships to be awarded, the Commission shall prioritize the awarding of scholarships to applicants by considering (i) identified teacher shortage areas established by the State Board of Education and (ii) an applicant's cumulative class rank in high school or, for graduate student applicants, total undergraduate cumulative grade point average.

(e) Unless otherwise indicated, scholarships shall be good for a period of up to 4 academic years while the recipient is enrolled for full-time residence credit at a qualified institution of higher learning. Each academic year, the scholarship shall cover tuition and other necessary fees for 2 semesters plus the summer session or 4 quarters. For purposes of calculating scholarship assistance for recipients attending private institutions of higher learning, tuition and other necessary fees for students at private institutions shall not exceed the average tuition and other necessary fees for students at State universities for the academic year in which the scholarship is made.

(f) Before receiving scholarship assistance, a scholarship recipient shall be required by the Commission to sign an agreement under which the recipient pledges that, within the 5-year period following the completion of the academic program for which the recipient was awarded a scholarship, the recipient (i) shall teach for a period of not less than 4 years for each academic year of scholarship assistance that he or she was awarded, (ii) shall fulfill this teaching obligation at a public or nonprofit private preschool, elementary school, or secondary school in this State, and (iii) shall, upon request by the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the teaching agreement provided for in this subsection (f).

(g) If a scholarship recipient fails to fulfill the teaching obligation set forth in subsection (f) of this Section, the Commission shall require the recipient to repay the amount of the scholarship assistance received, at a rate of interest equal to 5%, and, if applicable, reasonable collection fees. The Commission may establish rules relating to its collection activities for the

repayment of scholarships. All repayments collected under this Section shall be forwarded to the State Comptroller for deposit into the General Revenue Fund.

A scholarship recipient shall not be considered in violation of the agreement entered into pursuant to subsection (f) of this Section if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of teaching at a qualified institution of higher learning, (ii) is serving as a member of the armed services of the United States for a period of time not to exceed 3 years, (iii) is temporarily totally disabled for a period of time not to exceed 3 years, as established by sworn affidavit of a qualified physician, (iv) is seeking and unable to find full-time employment as a teacher at a public or nonprofit private preschool, elementary school, or secondary school that satisfies the criteria set forth in subsection (f) of this Section and is able to provide evidence of that fact, or (v) becomes permanently totally disabled, as established by sworn affidavit of a qualified physician. No claim for repayment may be filed against the estate of a decedent or incompetent.

Each person applying for a scholarship shall be provided with a copy of this subsection (g) at the time he or she applies for the scholarship.

(h) The Commission may prescribe, by rule, detailed provisions concerning the computation of tuition and other necessary fees, which must not be inconsistent with this Section.

(i) If an applicant for a scholarship under this Section accepts another teacher preparation scholarship administered by the Commission for the same academic year as the scholarship under this Section, that applicant shall not be eligible for a scholarship under this Section.

(j) To continue receiving scholarship assistance, a scholarship recipient must remain a full-time student and must maintain a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale.

(k) A scholarship shall not be awarded to or continued for anyone who has been convicted of a criminal offense that would disqualify that person from receiving teacher certification in this State.

(l) If a scholarship recipient satisfies the president of the institution of higher learning in which the recipient is enrolled (or someone designated by the president) that the recipient requires a leave of absence for the purpose of earning funds to defray his or her expenses while enrolled in the institution, for study abroad or internship study, or on account of illness or military service, then leave may be granted for a period of time not to exceed 6 years (with time spent in the armed forces not included as part of this time limit) without violating the agreement entered into pursuant to subsection (f) of this Section.

(m) Scholarship amounts due to an institution of higher learning shall be payable by the Comptroller to that institution on vouchers approved by the Commission.

(n) The Commission shall administer the program created under this Section and shall adopt all necessary and proper rules not inconsistent with this Section for the program's effective implementation. All applications for scholarship assistance shall be made to the Commission in a form as set forth by the Commission. The form of application and the information required to be set forth in the application shall be determined by the Commission, and the Commission shall require applicants to submit with their applications any supporting documents that the Commission deems necessary.

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(o) If an appropriation to the Commission for a given fiscal year is insufficient to provide scholarships to all qualified applicants, then the Commission shall allocate the available scholarship funds for that fiscal year on the basis of the date the Commission receives a complete application form from a qualified applicant.

Section 15. The Illinois Vehicle Code is amended by adding Section 3-648 as follows:

(625 ILCS 5/3-648 new)

Sec. 3-648. Education license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Education license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance, in addition to the appropriate registration fee. Of this \$40 additional original issuance fee, \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and \$25 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. For each registration renewal period, a \$40 fee, in addition to the appropriate registration fee, shall be charged. Of this \$40 additional renewal fee, \$2 shall be deposited into the Secretary of State Special License Plate Fund and \$38 shall be deposited into the Illinois Future Teacher Corps Scholarship Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached \$500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Illinois Future Teacher Corps Scholarship Fund.

(d) The Illinois Future Teacher Corps Scholarship Fund is created as a special fund in the State treasury. All moneys in the Illinois Future Teacher Corps Scholarship Fund shall be appropriated to the Illinois Student Assistance Commission for scholarships under Section 65.65 of the Higher Education Student Assistance Act.

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 1521, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

[May 16, 2001]

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 5  
A bill for AN ACT in relation to firearms.  
SENATE BILL NO 21  
A bill for AN ACT concerning county sheriffs.  
SENATE BILL NO 298  
A bill for AN ACT concerning taxation.  
SENATE BILL NO 761  
A bill for AN ACT concerning taxes.  
SENATE BILL NO 940  
A bill for AN ACT in relation to criminal law.  
SENATE BILL NO 1097  
A bill for AN ACT in relation to minors.

Passed the House, May 15, 2001.

ANTHONY D. ROSSI, Clerk of the House

#### REPORTS FROM STANDING COMMITTEES

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 3 to House Bill 1887  
Amendment No. 1 to House Bill 2900

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred Senate Resolutions numbered 118 and 137 reported the same back with amendments having been adopted thereto, with the recommendation that the resolutions, as amended, be adopted.

Under the rules, Senate Resolutions numbered 118 and 137 were placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred House Joint Resolution No. 13 reported the same back with the recommendation that the resolution be adopted.

Under the rules, House Joint Resolution 13 was placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred Senate Joint Resolutions numbered 26 and 29 reported the same back with the recommendation that the resolutions be adopted.

Under the rules, Senate Joint Resolutions numbered 26 and 29 were placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 2 to House Bill 201  
Amendment No. 3 to House Bill 201

[May 16, 2001]

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions, to which was referred Senate Joint Resolution No. 32 reported the same back with the recommendation that the resolution be adopted.

Under the rules, Senate Joint Resolution 32 was placed on the Secretary's Desk.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred the following Senate floor amendment, reported that the Committee recommends that it be approved for consideration:

**Amendment No. 2 to House Bill 2419**

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator R. Madigan, House Bill No. 250 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, House Bill No. 254 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, House Bill No. 266 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, House Bill No. 267 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 335 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

**AMENDMENT NO. 1**

**AMENDMENT NO. 1.** Amend House Bill 335 as follows:  
by replacing everything after the enacting clause with the following:  
"Section 5. The Illinois Vehicle Code is amended by changing Section 4-102 as follows:

(625 ILCS 5/4-102) (from Ch. 95 1/2, par. 4-102)

Sec. 4-102. Offenses relating to motor vehicles and other vehicles - Misdemeanors.

(a) It is a violation of this Chapter for:

(1) A person, without authority to do so, to damage a vehicle or to damage or remove any part of a vehicle;

(2) A person, without authority to do so, to tamper with a vehicle or go in it, on it, or work or attempt to work any of its parts, or set or attempt to set it in motion;

(3) A person to fail to report a vehicle as unclaimed in accordance with the provisions of Section 4-107.

(b) ~~Sentence~~-A person convicted of a violation of this Section shall be guilty of a Class A misdemeanor. A person convicted of a violation of this Section a second or subsequent time, shall be guilty of a Class 4 felony.

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(Source: P.A. 86-1209.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Bomke, House Bill No. 513 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, House Bill No. 888 was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Judiciary.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Cronin, House Bill No. 1051 was taken up, read by title a second time and ordered to a third reading.

At the hour of 11:00 o'clock a.m., Senator Geo-Karis presiding.

On motion of Senator R. Madigan, House Bill No. 1465 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, House Bill No. 1466 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 1551 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 1640 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1640 by replacing the title with the following:

"AN ACT in relation to State government."; and  
by replacing everything after the enacting clause with the following:  
"Section 5. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-15 as follows:

(15 ILCS 20/50-15) (was 15 ILCS 20/38.2)

Sec. 50-15. Department accountability reports;--Budget--Advisory Panel.

(a) Beginning in the fiscal year which begins July 1, 1992, each department of State government as listed in Section 5-15 of the Departments of State Government Law (20 ILCS 5/5-15) shall submit an annual accountability report to the Bureau of the Budget at times designated by the Director of the Bureau of the Budget. Each accountability report shall be designed to assist the Bureau of the Budget in its duties under Sections 2.2 and 2.3 of the Bureau of the Budget Act and shall measure the department's performance based on criteria, goals, and objectives established by the department with the oversight and assistance of the Bureau of the Budget. Each department shall also submit interim progress reports at times designated by the Director of the Bureau of the Budget.

(b) (Blank). ~~There---is---created---a---Budget---Advisory---Panel,---consisting---of---10---representatives---of---private---business---and---industry---appointed---2---each---by---the---Governor,---the---President---of---the---Senate,---the---Minority---Leader---of---the---Senate,---the---Speaker---of---the---House---of---Representatives,---and---the---Minority---Leader---of---the---House---of~~

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~~Representatives. The Budget Advisory Panel shall aid the Bureau of the Budget in the establishment of the criteria, goals, and objectives by the departments for use in measuring their performance in accountability reports. The Budget Advisory Panel shall also assist the Bureau of the Budget in reviewing accountability reports and assessing the effectiveness of each department's performance measures. The Budget Advisory Panel shall submit to the Bureau of the Budget a report of its activities and recommendations for change in the procedures established in subsection (a) at the time designated by the Director of the Bureau of the Budget, but in any case no later than the third Friday of each November.~~

(c) The Director of the Bureau of the Budget shall select not more than 3 departments for a pilot program implementing the procedures of subsection (a) for budget requests for the fiscal years beginning July 1, 1990 and July 1, 1991, and each of the departments elected shall submit accountability reports for those fiscal years.

By April 1, 1991, the Bureau of the Budget with the assistance of the Budget Advisory Panel shall recommend in writing to the Governor any changes in the budget review process established pursuant to this Section suggested by its evaluation of the pilot program. The Governor shall submit changes to the budget review process that the Governor plans to adopt, based on the report, to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 230/15 rep.)

Section 15. The Biotechnology Sector Development Act is amended by repealing Section 15.

Section 25. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-500 as follows:

(20 ILCS 405/405-500)

Sec. 405-500. Matters relating to the Office of the Lieutenant Governor.

(a) It is the purpose of this Section to provide for the administration of the affairs of the Office of the Lieutenant Governor during a period when the Office of Lieutenant Governor is vacant.

It is the intent of the General Assembly that all powers and duties of the Lieutenant Governor assumed and exercised by the Director of Central Management Services, the Department of Central Management Services, or another Director, State employee, or State agency designated by the Governor under the provisions of Public Act 90-609 be reassumed by the Lieutenant Governor on January 11, 1999.

(b) Until January 11, 1999, while the office of Lieutenant Governor is vacant, the Director of Central Management Services shall assume and exercise the powers and duties given to the Lieutenant Governor under the Illinois Commission on Community Service Act, Section 46.53 of the Civil Administrative Code of Illinois (renumbered; now Section 605-75 of the Department of Commerce and Community Affairs Law, 20 ILCS 605/605-75) (relating to the Keep Illinois Beautiful program), Section 12-1 of the State Finance Act, and the Gifts and Grants to Government Act, ~~and the Illinois Distance Learning Foundation Act.~~

The Director of Central Management Services shall not assume or exercise the powers and duties given to the Lieutenant Governor under the Rural Bond Bank Act.

(c) Until January 11, 1999, while the office of Lieutenant Governor is vacant, the Department of Central Management Services shall assume and exercise the powers and duties given to the Office

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of the Lieutenant Governor under Section 2-3.112 of the School Code, the Illinois River Watershed Restoration Act, the Illinois Wildlife Prairie Park Act, and Section 12-1 of the State Finance Act, ~~and the Illinois Distance Learning Foundation Act.~~

(c-5) Notwithstanding subsection (c): (i) the Governor shall appoint an interim member, who shall be interim chairperson, of the Illinois River Coordinating Council while the office of the Lieutenant Governor is vacant until January 11, 1999 and (ii) the Governor shall appoint an interim member, who shall be interim chairperson, of the Illinois Wildlife Prairie Park Commission while the office of the Lieutenant Governor is vacant until January 11, 1999.

(d) Until January 11, 1999, while the office of Lieutenant Governor is vacant, the Department of Central Management Services may assume and exercise the powers and duties that have been delegated to the Lieutenant Governor by the Governor.

(e) Until January 11, 1999, while the office of Lieutenant Governor is vacant, appropriations to the Office of the Lieutenant Governor may be obligated and expended by the Department of Central Management Services, with the authorization of the Director of Central Management Services, for the purposes specified in those appropriations. These obligations and expenditures shall continue to be accounted for as obligations and expenditures of the Office of the Lieutenant Governor.

(f) Until January 11, 1999, while the office of Lieutenant Governor is vacant, all employees of the Office of the Lieutenant Governor who are needed to carry out the responsibilities of the Office are temporarily reassigned to the Department of Central Management Services. This reassignment shall not be deemed to constitute new employment or to change the terms or conditions of employment or the qualifications required of the employees, except that the reassigned employees shall be subject to supervision by the Department during the temporary reassignment period.

(g) Until January 11, 1999, while the office of Lieutenant Governor is vacant, the Department of Central Management Services shall temporarily assume and exercise the powers and duties of the Office of the Lieutenant Governor under contracts to which the Office of the Lieutenant Governor is a party. The assumption of rights and duties under this subsection shall not be deemed to change the terms or conditions of the contract.

The Department of Central Management Services may amend, extend, or terminate any such contract in accordance with its terms; may agree to terminate a contract at the request of the other party; and may, with the approval of the Governor, enter into new contracts on behalf of the Office of the Lieutenant Governor.

(h) The Governor may designate a State employee or director other than the Director of Central Management Services or a State agency other than the Department of Central Management Services to assume and exercise any particular power or duty that would otherwise be assumed and exercised by the Director of Central Management Services or the Department of Central Management Services under subsection (b), (c), or (d) of this Section.

Except as provided below, if the Governor designates a State employee or director other than the Director of Central Management Services or a State agency other than the Department of Central Management Services, that person or agency shall be responsible for those duties set forth in subsections (e), (f), and (g) that directly relate to the designation of duties under subsections (b), (c), and (d).

If the Governor's designation relates to duties of the Commission

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on Community Service ~~or--the--Distance--Learning--Foundation~~, the Director of Central Management Services and the Department of Central Management Services may, if so directed by the Governor, continue to be responsible for those duties set forth in subsections (e), (f), and (g) relating to that designation.

(i) Business transacted under the authority of this Section by entities other than the Office of the Lieutenant Governor shall be transacted on behalf of and in the name of the Office of the Lieutenant Governor. Property of the Office of the Lieutenant Governor shall remain the property of that Office and may continue to be used by persons performing the functions of that Office during the vacancy period, except as otherwise directed by the Governor.

(Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00.)

Section 30. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

(Text of Section before amendment by P.A. 91-935)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the ~~Illinois Distance-Learning-Foundation--and~~ the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with

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regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

(Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00.)

(Text of Section after amendment by P.A. 91-935)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of

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Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the ~~Illinois Distance Learning Foundation and the Illinois Conservation Foundation.~~

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

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The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

(Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00; 91-935, eff. 6-1-01.)

(105 ILCS 40/Act rep.)

Section 35. The Illinois Distance Learning Foundation Act is repealed.

(20 ILCS 605/605-450 rep.)

(20 ILCS 605/605-850 rep.)

Section 45. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by repealing Sections 605-450 and 605-850.

Section 50. The Illinois Emergency Employment Development Act is amended by changing Sections 2, 5, and 9 as follows:

(20 ILCS 630/2) (from Ch. 48, par. 2402)

Sec. 2. For the purposes of this Act, the following words have the meanings ascribed to them in this Section.

(a) ~~(Blank). "Coordinator" means the Illinois Emergency Employment Development Coordinator appointed under Section 3-~~

(b) "Eligible business" means a for-profit business.

(c) "Eligible employer" means an eligible nonprofit agency, or an eligible business.

(d) "Eligible job applicant" means a person who:

A. (1) has been a resident of this State for at least one year; and (2) is unemployed; and (3) is not receiving and is not qualified to receive unemployment compensation or workers' compensation; and (4) is determined by the employment administrator to be likely to be available for employment by an eligible employer for the duration of the job; or

B. Is otherwise eligible for services under the Job Training Partnership Act (29 USCA 1501 et seq.).

In addition, a farmer who resides in a county qualified under Federal Disaster Relief and who can demonstrate severe financial need may be considered unemployed under this subsection.

(e) "Eligible nonprofit agency" means an organization exempt from taxation under the Internal Revenue Code of 1954, Section 501(c)(3).

(f) "Employment administrator" means the Manager of the Department of Commerce and Community Affairs Job Training Programs

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Division or his designee.

(g) "Household" means a group of persons living at the same residence consisting of, at a maximum, spouses and the minor children of each.

(h) "Program" means the Illinois Emergency Employment Development Program created by this Act consisting of temporary work relief projects in nonprofit agencies and new job creation in the private sector.

(i) "Service Delivery Area" means that unit or units of local government designated by the Governor pursuant to Title I, Part A, Section 102 of the Job Training Partnership Act (29 USCA et seq.).

(j) "Excess unemployed" means the number of unemployed in excess of 6.5% of the service delivery area population.

(k) "Private industry council" means governing body of each service delivery area created pursuant to Title I, Section 102 of the Job Training Partnership Act (29 USC 1501 et seq.).

(Source: P.A. 84-1399.)

(20 ILCS 630/5) (from Ch. 48, par. 2405)

Sec. 5. (a) Allocation of funds among eligible job applicants within a service delivery area shall be determined by the Private Industry Council for each such service delivery area. The Private Industry Council shall give priority to

(1) applicants living in households with no other income source; and

(2) applicants who would otherwise be eligible to receive general assistance.

(b) Allocation of funds among eligible employers within each service delivery area shall be determined by the Private Industry Council for each such area according to the priorities which the Director of Commerce and Community Affairs, ~~upon recommendation of the coordinator,~~ shall by rule establish. The Private Industry Council shall give priority to funding private sector jobs to the extent that businesses apply for funds.

(Source: P.A. 84-1399.)

(20 ILCS 630/9) (from Ch. 48, par. 2409)

Sec. 9. (a) Eligible businesses. A business employer is an eligible employer if it enters into a written contract, signed and subscribed to under oath, with the employment administrator for its service delivery area containing assurances that:

(1) funds received by a business shall be used only as permitted under the program;

(2) the business has submitted a plan to the employment administrator (1) describing the duties and proposed compensation of each employee proposed to be hired under the program; and (2) demonstrating that with the funds provided under the program the business is likely to succeed and continue to employ persons hired under the program;

(3) the business will use funds exclusively for compensation and fringe benefits of eligible job applicants and will provide employees hired with these funds with fringe benefits and other terms and conditions of employment comparable to those provided to other employees of the business who do comparable work;

(4) the funds are necessary to allow the business to begin, or to employ additional people, but not to fill positions which would be filled even in the absence of funds from this program;

(5) (blank); ~~the business will cooperate with the coordinator in collecting data to assess the result of the program;~~ and

(6) the business is in compliance with all applicable affirmative action, fair labor, health, safety, and environmental standards.

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(b) In allocating funds among eligible businesses, the employment administrator shall give priority to businesses which best satisfy the following criteria:

- (1) have a high potential for growth and long-term job creation;
- (2) are labor intensive;
- (3) make high use of local and State resources;
- (4) are under ownership of women and minorities;
- (5) have their primary places of business in the State; and
- (6) intend to continue the employment of the eligible applicant for at least 6 months of unsubsidized employment.

(c) If the eligible employee remains employed for 6 months of unsubsidized employment, his employer may apply for a bonus equal to 1/6 of the subsidy provided to the employer for that employee under this Act.

(Source: P.A. 84-1399.)

(20 ILCS 630/3 rep.)

Section 55. The Illinois Emergency Employment Development Act is amended by repealing Section 3.

Section 85. The Capital Development Board Act is amended by changing Section 14 as follows:

(20 ILCS 3105/14) (from Ch. 127, par. 783.01)

Sec. 14. (a) It is the purpose of this Act to provide for the promotion and preservation of the arts by securing suitable works of art for the adornment of public buildings constructed or subjected to major renovation by the State or which utilize State funds, and thereby reflecting our cultural heritage, with emphasis on the works of Illinois artists.

(b) As used in this Act: "Works of art" shall apply to and include paintings, prints, sculptures, graphics, mural decorations, stained glass, statues, bas reliefs, ornaments, fountains, ornamental gateways, or other creative works which reflect form, beauty and aesthetic perceptions.

(c) Beginning with the fiscal year ending June 30, 1979, and for each succeeding fiscal year thereafter, the Capital Development Board shall set aside 1/2 of 1 percent of the amount authorized and appropriated for construction or reconstruction of each public building financed in whole or in part by State funds and generally accessible to and used by the public for purchase and placement of suitable works of art in such public buildings. The location and character of the work or works of art to be installed in such public buildings shall be determined by the designing architect, provided, however, that the work or works of art shall be in a permanent and prominent location.

(d) ~~(Blank). There is created a Fine Arts Review Committee consisting of the designing architect, the Chairman of the Illinois Arts Council or his designee, the Director of the Illinois State Museum or his designee, and three persons from the area in which the project is to be located who are familiar with the local area and are knowledgeable in matters of art. Of the three local members, two shall be selected by the County Board to the County in which the project is located and one shall be selected by the Mayor or other chief executive officer of the municipality in which the project is located. The Committee, after such study as it deems necessary, shall recommend three artists or works of art in order of preference, to the Capital Development Board. The Board will make the final selection from among the recommendations submitted to it.~~

(e) ~~(Blank). There is created a Public Arts Advisory Committee whose function is to advise the Capital Development Board and the Fine Arts Review Committee on various technical and aesthetic perceptions that may be utilized in the creation or major renovation~~

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~~of public buildings. The Public Arts Advisory Committee shall consist of 12 members who shall serve for terms of 2 years ending on June 30 of odd-numbered years, except the first appointees to the Committee shall serve for a term ending June 30, 1979. The Public Arts Advisory Committee shall meet four times each fiscal year. Four members shall be appointed by the Governor; four shall be chosen by the Senate, two of whom shall be chosen by the President, two by the minority leader; and four shall be appointed by the House of Representatives, two of whom shall be chosen by the Speaker and two by the minority leader. There shall also be a Chairman who shall be chosen from the committee members by the majority vote of that Committee.~~

(f) (Blank). All necessary expenses of the Public Arts Advisory Committee and the Fine Arts Review Committee shall be paid by the Capital Development Board.

(Source: P.A. 90-655, eff. 7-30-98.)

(20 ILCS 3990/Act rep.)

Section 110. The Illinois Manufacturing Technology Alliance Act is repealed.

Section 113. The State Officers and Employees Money Disposition Act is amended by changing Section 1 as follows:

(30 ILCS 230/1) (from Ch. 127, par. 170)

Sec. 1. Application of Act; exemptions. The officers of the Executive Department of the State Government, the Clerk of the Supreme Court, the Clerks of the Appellate Courts, the Departments of the State government created by the Civil Administrative Code of Illinois, and all other officers, boards, commissions, commissioners, departments, institutions, arms or agencies, or agents of the Executive Department of the State government except the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Cooperative Computer Center, and the Board of Trustees of the Illinois Bank Examiners' Education Foundation for moneys collected pursuant to subsection (11) of Section 48 of the Illinois Banking Act for purposes of the Illinois Bank Examiners' Education Program are subject to this Act. This Act shall not apply, however, to any of the following: (i) the receipt by any such officer of federal funds made available under such conditions as precluded the payment thereof into the State Treasury, (ii) (blank) ~~income derived from the operation of State parks which is required to be deposited in the State Parks Revenue Bond Fund pursuant to the State Parks Revenue Bond Act,~~ (iii) the Director of Insurance in his capacity as rehabilitator or liquidator under Article XIII of the Illinois Insurance Code, (iv) funds received by the Illinois State Scholarship Commission from private firms employed by the State to collect delinquent amounts due and owing from a borrower on any loans guaranteed by such Commission under the Higher Education Student Assistance Law or on any "eligible loans" as that term is defined under the Education Loan Purchase Program Law, or (v) moneys collected on behalf of lessees of facilities of the Department of Agriculture located on the Illinois State Fairgrounds at Springfield and DuQuoin. This Section 1 shall not apply to the receipt of funds required to be deposited in the Industrial Project Fund pursuant to Section 12 of the Disabled Persons Rehabilitation Act.

(Source: P.A. 88-571, eff. 8-11-94; 89-4, eff. 1-1-96.)

(20 ILCS 805/805-310 rep.)

Section 114. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by

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repealing Section 805-310.

(30 ILCS 380/Act rep.)

Section 115. The State Parks Revenue Bond Act is repealed.

(30 ILCS 150/8 rep.)

Section 116. The Natural Heritage Fund Act is amended by repealing Section 8.

(35 ILCS 505/19 rep.)

Section 120. The Motor Fuel Tax Law is amended by repealing Section 19.

(70 ILCS 200/Art. 135 rep.)

Section 130. The Civic Center Code is amended by repealing Article 135.

(205 ILCS 616/70 rep.)

(205 ILCS 616/75 rep.)

Section 175. The Electronic Fund Transfer Act is amended by repealing Sections 70 and 75.

(205 ILCS 620/1-5.04 rep.)

(205 ILCS 620/9-1 rep.)

(205 ILCS 620/9-2 rep.)

(205 ILCS 620/9-3 rep.)

(205 ILCS 620/9-4 rep.)

Section 180. The Corporate Fiduciary Act is amended by repealing Sections 1-5.04, 9-1, 9-2, 9-3, and 9-4.

(310 ILCS 45/Act rep.)

Section 200. The Illinois Mortgage Insurance Fund Act is repealed.

(430 ILCS 115/15 rep.)

Section 240. The Illinois Manufactured Housing and Mobile Home Safety Act is amended by repealing Section 15.

Section 245. The Illinois Corn Marketing Act is amended by changing Sections 6 and 7 as follows:

(505 ILCS 40/6) (from Ch. 5, par. 706)

~~Sec. 6. Upon enactment of this legislation and if there are sponsors willing and able to meet the requirements of Section 8, the Director shall appoint a temporary corn marketing program committee consisting of 7 members who are corn producers to develop a corn marketing program proposal. Such proposal shall be considered at a public hearing. After the close of the public hearing the Director and temporary corn marketing program committee shall send copies of their findings to all parties of record appearing at the hearing. If such proposal is approved by the temporary corn marketing program committee, a referendum shall be held thereon in accordance with Section 7 of this Act.~~

The Director, upon recommendation of the temporary corn marketing program committee, shall establish procedures for the qualifications of producers for corn marketing programs for the participation of producers in hearings and referenda and other procedures necessary in the development and adoption of a corn marketing program. Such procedures shall not be subject to the provisions of The Illinois Administrative Procedure Act; however, the Director shall take any necessary steps to inform affected persons of the procedures, including publication of the procedures in the Illinois Register.

(Source: P.A. 82-941.)

(505 ILCS 40/7) (from Ch. 5, par. 707)

~~Sec. 7. Within 90 days after final approval by the temporary corn marketing program committee of any proposed corn marketing program, the Director shall determine by referendum whether the affected producers assent to a such proposed corn marketing program. The proposed corn marketing program is approved when a majority of those voting in the referendum vote in favor of such proposed corn~~

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marketing program. Following such approval the Department shall file the program with the Secretary of State as provided in Section 5-65 of the Illinois Administrative Procedure Act.

If any proposed corn marketing program is not approved by such referendum, no additional referendum on such corn marketing program may be held for 2 years from the date of the close of such referendum period. A succeeding referendum shall be called by the Director upon request by petition of 2,500 producers of corn with at least 10 signers of such petition from each of 50 counties. Prior to holding a succeeding referendum, the Director shall appoint a temporary corn marketing program committee who are corn producers and shall follow the procedures as set forth in Section 6.

(Source: P.A. 88-45.)

Section 250. The Illinois Sheep and Wool Production Development and Marketing Act is amended by changing Sections 6 and 7 as follows:  
(505 ILCS 115/6) (from Ch. 5, par. 1056)

Sec. 6. After the effective date of this Act, if there are sponsors willing and able to meet the requirements of Section 8, the Director shall appoint a temporary sheep and wool production development and marketing program committee consisting of 7 members who are sheep or wool producers to develop a sheep and wool production development and marketing program proposal. Such program shall be considered at a public hearing. After the close of the public hearing the Director and temporary sheep and wool production development and marketing program committee shall send copies of their findings to all parties of record appearing at the hearing. If such proposed program is approved by the temporary sheep and wool production development and marketing program committee, a referendum shall be held thereon in accordance with Section 7 of this Act.

The Director, upon recommendation of the temporary sheep and wool production development and marketing program committee, shall establish procedures for the qualifications of producers for sheep and wool production development and marketing programs for the participation of producers in hearing and referenda and other procedures necessary in the development and adoption of a sheep and wool production development and marketing program.

(Source: P.A. 82-100.)

(505 ILCS 115/7) (from Ch. 5, par. 1057)

Sec. 7. Within 120 days after final approval by the temporary sheep and wool production development and marketing program committee of any proposed sheep and wool production development or marketing program, The Director shall determine by referendum whether the affected producers assent to a such proposed sheep and wool production development or marketing program. The proposed sheep and wool production development and marketing program is approved when a majority of those voting in the referendum vote in favor of such proposed sheep and wool production development and marketing program.

If any proposed sheep and wool production development and marketing program is not approved by such referendum, no additional referendum on such sheep and wool production development and marketing program may be held for 2 years from the date of the close of such referendum period. A succeeding referendum shall be called by the Director upon request by written petition of 400 producers of sheep and/or wool with at least 5 signers of such petition from each of 25 counties. Prior to holding a succeeding referendum, the Director shall appoint a temporary sheep and wool production development and marketing program committee who are sheep and/or wool producers and shall follow the procedures as set forth in Section 6.

(Source: P.A. 82-100.)

Section 255. The Soybean Marketing Act is amended by changing

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Sections 7 and 8 as follows:

(505 ILCS 130/7) (from Ch. 5, par. 557)

Sec. 7. ~~If any marketing program or amendment to an existing marketing program is proposed under Section 6 of this Act, the Director shall appoint a temporary operating committee consisting of 7 members who are soybean producers to develop such proposed marketing program. Such proposal shall be considered at a public hearing. After the close of the public hearing the Director and temporary operating committee shall send copies of their findings to all parties of record appearing at the hearing. If such proposal is approved by the temporary operating committee, a referendum shall be held thereon in accordance with Section 8 of this Act.~~

The Director, upon recommendation of the temporary operating committee, shall establish procedures for the qualifications of producers for marketing programs, for the participation of producers in hearings and referenda and other procedures necessary in the development and adoption of marketing programs. Procedures relative to the adoption of any marketing program or amendment to an existing marketing program shall not be subject to the provisions of The Illinois Administrative Procedure Act. However, the Director shall take any necessary steps to inform affected persons of the procedures, including publication of the procedures in the Illinois Register.

(Source: P.A. 83-80.)

(505 ILCS 130/8) (from Ch. 5, par. 558)

Sec. 8. ~~Within 90 days after final approval by the temporary operating committee of any proposed marketing program,~~ The Director shall determine by referendum in accordance with this Section and Section 11 of this Act whether the affected producers assent to a such proposed program. The proposed program is approved when a majority of those voting in the referendum vote in favor of such proposed program.

~~Within 90 days after final approval by the program operating board of any proposed amendment to the marketing program,~~ The Director shall determine by referendum in accordance with this Section and Section 11 of this Act whether the affected producers assent to a such proposed amendment. The proposed amendment to the program is approved when a majority voting on the amendment vote in favor of the amendment.

If any proposed marketing program or amendment is not approved by such referendum, no additional referendum on such program or amendment may be held for 2 years from the date of the close of such referendum period.

(Source: P.A. 85-181.)

(605 ILCS 10/3.1 rep.)

Section 270. The Toll Highway Act is amended by repealing Section 3.1.

Section 275. The Unified Code of Corrections is amended by changing Section 3-2-6 as follows:

(730 ILCS 5/3-2-6) (from Ch. 38, par. 1003-2-6)

Sec. 3-2-6. Advisory Board Boards. (a) There shall be an Adult Advisory Board and ~~a Juvenile Advisory Board~~ each composed of 11 persons, one of whom shall be a senior citizen age 60 or over, appointed by the Governor to advise the Director on matters pertaining to adult and juvenile offenders respectively. The members of the Board Boards shall be qualified for their positions by demonstrated interest in and knowledge of adult and ~~juvenile~~ correctional work and shall not be officials of the State in any other capacity. The members first appointed under this amendatory Act of 1984 shall serve for a term of 6 years and shall be appointed

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as soon as possible after the effective date of this amendatory Act of 1984. The members of the Board Boards now serving shall complete their terms as appointed, and thereafter members shall be appointed by the Governor to terms of 6 years. Any vacancy occurring shall be filled in the same manner for the remainder of the term. The Director of Corrections and the Assistant Director Direeters, Adult Division and Juvenile Divisions respectively, ~~for the 2 Boards~~, shall be ex-officio members of the Board Boards. The Each Board shall elect a chairman from among its appointed members. The Director shall serve as secretary of the each Board. Members of the each Board shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Each Board shall meet quarterly and at other times at the call of the chairman. ~~At the request of the Director, the Boards may meet together.~~

(b) The Board Boards shall advise the Director concerning policy matters and programs of the Department with regard to the custody, care, study, discipline, training and treatment of persons in the State correctional institutions and for the care and supervision of persons released on parole.

(c) There shall be a Subcommittee on Women Offenders to the Adult Advisory Board. The Subcommittee shall be composed of 3 members of the Adult Advisory Board appointed by the Chairman who shall designate one member as the chairman of the Subcommittee. Members of the Subcommittee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Subcommittee shall meet no less often than quarterly and at other times at the call of its chairman.

The Subcommittee shall advise the Adult Advisory Board and the Director on all policy matters and programs of the Department with regard to the custody, care, study, discipline, training and treatment of women in the State correctional institutions and for the care and supervision of women released on parole.

(Source: P.A. 85-624.)

(730 ILCS 5/3-6-3.1 rep.)

Section 280. The Unified Code of Corrections is amended by repealing Section 3-6-3.1.

(820 ILCS 305/14.1 rep.)

Section 285. The Workers' Compensation Act is amended by repealing Section 14.1.

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 999. Effective date. This Act takes effect July 1, 2001."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, House Bill No. 1692 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1692 on page 1, line 21, after "board", by inserting "that adopts a policy to incorporate activities to address intergroup conflict as authorized under subsection (b) of

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this Section".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 1728 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1728 by replacing line 22 on page 2 through line 5 on page 3 with the following:

"(1.1) A State agency shall review in a timely manner each bill or invoice after its receipt. If the State agency determines that the bill or invoice contains a defect making it unable to process the payment request, the agency shall notify the vendor requesting payment as soon as possible after discovering the defect pursuant to rules promulgated under Section 3-3. The notice shall identify the defect and any additional information necessary to correct the defect."; and

on page 4, by inserting after line 25 the following:

"Section 99. Effective date. This Section takes effect upon becoming law. Section 5 takes effect upon becoming law solely for the purpose of allowing the State Comptroller and the Department of Central Management Services to promulgate rules for the implementation of this Act. Section 5 for all other purposes takes effect July 1, 2002.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 2207 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2207 as follows:

on page 1, line 16, by changing "releases" to "payments"; and

on page 2, line 11, by inserting after "agent" the following:

", or if the mortgagee or mortgage servicer does not provide notice to the title insurance company or title insurance agent that the amount received for a payoff was inadequate,"; and

on page 4, by replacing lines 25 through 27 with the following:

"(c) A title insurance company may create an instrument, executed by an officer of that company and acknowledged in the same manner as a deed, appointing one or more title insurance agents authorized to issue certificates of release under this Act. This instrument shall designate the county or counties in which it is to be effective and shall be recorded with the recorder in each of those counties, either as an original instrument or by recording a copy certified by the recorder of one of the counties. A separate appointment of title insurance agent"; and

on page 4, line 28, by deleting "each agent or"; and

on page 6, line 18, by inserting after "from...." the following:

", and there is no notice from the mortgagee or mortgage servicer that the amount received was inadequate.".

There being no further amendments, the bill, as amended, was

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ordered to a third reading.

On motion of Senator Luechtefeld, House Bill No. 2367 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2367 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 7-132, 7-139, 7-146, 7-151, 7-152, 7-166, 7-172, 15-148, and 15-154 as follows:

(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.

(A) Municipalities and their instrumentalities.

(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form

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acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

- i. Township School District Trustees.
- ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.
- iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.
- iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.
- v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.
- vi. Local Public Housing Authorities created under the

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Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.

- vii. Illinois Municipal League.
- viii. Northeastern Illinois Metropolitan Area Planning Commission.
- ix. Southwestern Illinois Metropolitan Area Planning Commission.
- x. Illinois Association of Park Districts.
- xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.
- xii. Tri-City Regional Port District.
- xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.
- xiv. Drainage Districts operating under the Illinois Drainage Code.
- xv. Local mass transit districts created under the Local Mass Transit District Act.
- xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.
- xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.
- xviii. Public water districts created under the Public Water District Act.
- xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.
- xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.
- xxi. The Illinois Municipal Electric Agency.
- xxii. The Waukegan Port District.
- xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.
- xxiv. The Illinois Municipal Gas Agency.
- xxv. The Kaskaskia Regional Port District.
- xxvi. The Southwestern Illinois Development Authority.

(c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall not be subject to this Article unless the joint agreement is modified by the school districts to provide that the governing

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board is subject to this Article, except as otherwise provided by this Section.

The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and

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administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

(f) Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality.

(Source: P.A. 89-162, eff. 7-19-95; 90-511, eff. 8-22-97.)

(40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

Sec. 7-139. Credits and creditable service to employees.

(a) Each participating employee shall be granted credits and creditable service, for purposes of determining the amount of any annuity or benefit to which he or a beneficiary is entitled, as follows:

1. For prior service: Each participating employee who is an employee of a participating municipality or participating instrumentality on the effective date shall be granted creditable service, but no credits under paragraph 2 of this subsection (a), for periods of prior service for which credit has not been received under any other pension fund or retirement system established under this Code, as follows:

If the effective date of participation for the participating municipality or participating instrumentality is on or before January 1, 1998, creditable service shall be granted for the entire period of prior service with that employer without any employee contribution.

If the effective date of participation for the participating municipality or participating instrumentality is after January 1, 1998, creditable service shall be granted for the last 20% of the period of prior service with that employer, but no more than 5 years, without any employee contribution. A participating employee may establish creditable service for the remainder of the period of prior service with that employer by making an application in writing, accompanied by payment of an employee contribution in an amount determined by the Fund, based on the

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employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service may be made at any time while the employee is still in service.

Any person who has withdrawn from the service of a participating municipality or participating instrumentality prior to the effective date, who reenters the service of the same municipality or participating instrumentality after the effective date and becomes a participating employee is entitled to creditable service for prior service as otherwise provided in this subdivision (a)(1) only if he or she renders 2 years of service as a participating employee after the effective date. Application for such service must be made while in a participating status. The salary rate to be used in the calculation of the required employee contribution, if any, shall be the employee's salary rate at the time of first reentering service with the employer after the employer's effective date of participation.

2. For current service, each participating employee shall be credited with:

a. Additional credits of amounts equal to each payment of additional contributions received from him under Section 7-173, as of the date the corresponding payment of earnings is payable to him.

b. Normal credits of amounts equal to each payment of normal contributions received from him, as of the date the corresponding payment of earnings is payable to him, and normal contributions made for the purpose of establishing out-of-state service credits as permitted under the conditions set forth in paragraph 6 of this subsection (a).

c. Municipality credits in an amount equal to 1.4 times the normal credits, except those established by out-of-state service credits, as of the date of computation of any benefit if these credits would increase the benefit.

d. Survivor credits equal to each payment of survivor contributions received from the participating employee as of the date the corresponding payment of earnings is payable, and survivor contributions made for the purpose of establishing out-of-state service credits.

3. For periods of temporary and total and permanent disability benefits, each employee receiving disability benefits shall be granted creditable service for the period during which disability benefits are payable. Normal and survivor credits, based upon the rate of earnings applied for disability benefits, shall also be granted if such credits would result in a higher benefit to any such employee or his beneficiary.

4. For authorized leave of absence without pay: A participating employee shall be granted credits and creditable service for periods of authorized leave of absence without pay under the following conditions:

a. An application for credits and creditable service is submitted to the board while the employee is in a status of active employment, and within 2 years after termination of the leave of absence period for which credits and creditable service are sought.

b. Not more than 12 complete months of creditable service for authorized leave of absence without pay shall be counted for purposes of determining any benefits payable

under this Article.

c. Credits and creditable service shall be granted for leave of absence only if such leave is approved by the governing body of the municipality, including approval of the estimated cost thereof to the municipality as determined by the fund, and employee contributions, plus interest at the effective rate applicable for each year from the end of the period of leave to date of payment, have been paid to the fund in accordance with Section 7-173. The contributions shall be computed upon the assumption earnings continued during the period of leave at the rate in effect when the leave began.

d. Benefits under the provisions of Sections 7-141, 7-146, 7-150 and 7-163 shall become payable to employees on authorized leave of absence, or their designated beneficiary, only if such leave of absence is creditable hereunder, and if the employee has at least one year of creditable service other than the service granted for leave of absence. Any employee contributions due may be deducted from any benefits payable.

e. No credits or creditable service shall be allowed for leave of absence without pay during any period of prior service.

5. For military service: The governing body of a municipality or participating instrumentality may elect to allow creditable service to participating employees who leave their employment to serve in the armed forces of the United States for all periods of such service, provided that the person returns to active employment within 90 days after completion of full time active duty, but no creditable service shall be allowed such person for any period that can be used in the computation of a pension or any other pay or benefit, other than pay for active duty, for service in any branch of the armed forces of the United States. If necessary to the computation of any benefit, the board shall establish municipality credits for participating employees under this paragraph on the assumption that the employee received earnings at the rate received at the time he left the employment to enter the armed forces. A participating employee in the armed forces shall not be considered an employee during such period of service and no additional death and no disability benefits are payable for death or disability during such period.

Any participating employee who left his employment with a municipality or participating instrumentality to serve in the armed forces of the United States and who again became a participating employee within 90 days after completion of full time active duty by entering the service of a different municipality or participating instrumentality, which has elected to allow creditable service for periods of military service under the preceding paragraph, shall also be allowed creditable service for his period of military service on the same terms that would apply if he had been employed, before entering military service, by the municipality or instrumentality which employed him after he left the military service and the employer costs arising in relation to such grant of creditable service shall be charged to and paid by that municipality or instrumentality.

Notwithstanding the foregoing, any participating employee shall be entitled to creditable service as required by any federal law relating to re-employment rights of persons who served in the United States Armed Services. Such creditable

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service shall be granted upon payment by the member of an amount equal to the employee contributions which would have been required had the employee continued in service at the same rate of earnings during the military leave period, plus interest at the effective rate.

5.1. In addition to any creditable service established under paragraph 5 of this subsection (a), creditable service may be granted for up to 24 months of service in the armed forces of the United States.

In order to receive creditable service for military service under this paragraph 5.1, a participating employee must (1) apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board; (2) obtain the written approval of the current employer; and (3) make contributions to the Fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the board to be equal to the employer's normal cost of the benefits accrued for that military service, plus (iii) interest on items (i) and (ii) from the date of first membership in the Fund to the date of payment. If payment is made during the 6-month period that begins 3 months after the effective date of this amendatory Act of 1997, the required interest shall be at the rate of 2.5% per year, compounded annually; otherwise, the required interest shall be calculated at the regular interest rate.

6. For out-of-state service: Creditable service shall be granted for service rendered to an out-of-state local governmental body under the following conditions: The employee had participated and has irrevocably forfeited all rights to benefits in the out-of-state public employees pension system; the governing body of his participating municipality or instrumentality authorizes the employee to establish such service; the employee has 2 years current service with this municipality or participating instrumentality; the employee makes a payment of contributions, which shall be computed at 8% (normal) plus 2% (survivor) times length of service purchased times the average rate of earnings for the first 2 years of service with the municipality or participating instrumentality whose governing body authorizes the service established plus interest at the effective rate on the date such credits are established, payable from the date the employee completes the required 2 years of current service to date of payment. In no case shall more than 120 months of creditable service be granted under this provision.

7. For retroactive service: Any employee who could have but did not elect to become a participating employee, or who should have been a participant in the Municipal Public Utilities Annuity and Benefit Fund before that fund was superseded, may receive creditable service for the period of service not to exceed 50 months; however, a current or former elected or appointed official of a participating municipality ~~county--board member~~ may establish credit under this paragraph 7 for more than 50 months of service as an official of that municipality, a ~~member--of--the--county--board~~ if the excess over 50 months is approved by resolution of the governing body of the affected municipality ~~county--board~~ filed with the Fund before January 1, 2002 ~~1999~~.

Any employee who is a participating employee on or after September 24, 1981 and who was excluded from participation by the age restrictions removed by Public Act 82-596 may receive

creditable service for the period, on or after January 1, 1979, excluded by the age restriction and, in addition, if the governing body of the participating municipality or participating instrumentality elects to allow creditable service for all employees excluded by the age restriction prior to January 1, 1979, for service during the period prior to that date excluded by the age restriction. Any employee who was excluded from participation by the age restriction removed by Public Act 82-596 and who is not a participating employee on or after September 24, 1981 may receive creditable service for service after January 1, 1979. Creditable service under this paragraph shall be granted upon payment of the employee contributions which would have been required had he participated, with interest at the effective rate for each year from the end of the period of service established to date of payment.

8. For accumulated unused sick leave: A participating employee who is applying for a retirement annuity shall be entitled to creditable service for that portion of the employee's accumulated unused sick leave for which payment is not received, as follows:

a. Sick leave days shall be limited to those accumulated under a sick leave plan established by a participating municipality or participating instrumentality which is available to all employees or a class of employees.

b. Only sick leave days accumulated with a participating municipality or participating instrumentality with which the employee was in service within 60 days of the effective date of his retirement annuity shall be credited; If the employee was in service with more than one employer during this period only the sick leave days with the employer with which the employee has the greatest number of unpaid sick leave days shall be considered.

c. The creditable service granted shall be considered solely for the purpose of computing the amount of the retirement annuity and shall not be used to establish any minimum service period required by any provision of the Illinois Pension Code, the effective date of the retirement annuity, or the final rate of earnings.

d. The creditable service shall be at the rate of 1/20 of a month for each full sick day, provided that no more than 12 months may be credited under this subdivision 8.

e. Employee contributions shall not be required for creditable service under this subdivision 8.

f. Each participating municipality and participating instrumentality with which an employee has service within 60 days of the effective date of his retirement annuity shall certify to the board the number of accumulated unpaid sick leave days credited to the employee at the time of termination of service.

9. For service transferred from another system: Credits and creditable service shall be granted for service under Article 3, 4, 5, 14 or 16 of this Act, to any active member of this Fund, and to any inactive member who has been a county sheriff, upon transfer of such credits pursuant to Section 3-110.3, 4-108.3, 5-235, 14-105.6 or 16-131.4, and payment by the member of the amount by which (1) the employer and employee contributions that would have been required if he had participated in this Fund as a sheriff's law enforcement employee during the period for which credit is being transferred, plus interest thereon at the effective rate for each year, compounded annually, from the date

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of termination of the service for which credit is being transferred to the date of payment, exceeds (2) the amount actually transferred to the Fund. Such transferred service shall be deemed to be service as a sheriff's law enforcement employee for the purposes of Section 7-142.1.

(b) Creditable service - amount:

1. One month of creditable service shall be allowed for each month for which a participating employee made contributions as required under Section 7-173, or for which creditable service is otherwise granted hereunder. Not more than 1 month of service shall be credited and counted for 1 calendar month, and not more than 1 year of service shall be credited and counted for any calendar year. A calendar month means a nominal month beginning on the first day thereof, and a calendar year means a year beginning January 1 and ending December 31.

2. A seasonal employee shall be given 12 months of creditable service if he renders the number of months of service normally required by the position in a 12-month period and he remains in service for the entire 12-month period. Otherwise a fractional year of service in the number of months of service rendered shall be credited.

3. An intermittent employee shall be given creditable service for only those months in which a contribution is made under Section 7-173.

(c) No application for correction of credits or creditable service shall be considered unless the board receives an application for correction while (1) the applicant is a participating employee and in active employment with a participating municipality or instrumentality, or (2) while the applicant is actively participating in a pension fund or retirement system which is a participating system under the Retirement Systems Reciprocal Act. A participating employee or other applicant shall not be entitled to credits or creditable service unless the required employee contributions are made in a lump sum or in installments made in accordance with board rule.

(d) Upon the granting of a retirement, surviving spouse or child annuity, a death benefit or a separation benefit, on account of any employee, all individual accumulated credits shall thereupon terminate. Upon the withdrawal of additional contributions, the credits applicable thereto shall thereupon terminate. Terminated credits shall not be applied to increase the benefits any remaining employee would otherwise receive under this Article.

(Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/7-146) (from Ch. 108 1/2, par. 7-146)

Sec. 7-146. Temporary disability benefits - Eligibility. Temporary disability benefits shall be payable to participating employees as hereinafter provided.

(a) The participating employee shall be considered temporarily disabled if:

1. He is unable to perform the duties of any position which might reasonably be assigned to him by his employing municipality or instrumentality thereof or participating instrumentality due to mental or physical disability caused by bodily injury or disease, other than as a result of self-inflicted injury or addiction to narcotic drugs;

2. The Board has received written certifications from at least one licensed and practicing physician and the governing body of the employing municipality or instrumentality thereof or participating instrumentality stating that the employee meets the conditions set forth in subparagraph 1 of this paragraph (a).

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(b) A temporary disability benefit shall be payable to a temporarily disabled employee provided:

1. He:

(i) has at least one year of service immediately preceding at the date the temporary disability was incurred and has made contributions to the fund for at least the number of months of service normally required in his position during a 12-month period, or has at least 5 years of service credit, the last year of which immediately precedes such date; or

(ii) had qualified under clause (i) above, but had an interruption in service with the same participating municipality or participating instrumentality of not more than 3 months in the 12 months preceding the date the temporary disability was incurred and was not paid a separation benefit; or

(iii) had qualified under clause (i) above, but had an interruption after 20 or more years of creditable service, was not paid a separation benefit, and returned to service prior to the date the disability was incurred.

Item (iii) of this subdivision shall apply to all employees whose disabilities were incurred on or after July 1, 1985, and any such employee who becomes eligible for a disability benefit under item (iii) shall be entitled to receive a lump sum payment of any accumulated disability benefits which may accrue from the date the disability was incurred until the effective date of this amendatory Act of 1987.

Periods of qualified leave granted in compliance with the federal Family and Medical Leave Act shall be ignored for purposes of determining the number of consecutive months of employment under this subdivision (b)1.

2. He has been temporarily disabled for at least 30 days, except where a former temporary or permanent and total disability has reoccurred within 6 months after the employee has returned to service.

3. He is receiving no earnings from a participating municipality or instrumentality thereof or participating instrumentality, except as allowed under subsection (f) of Section 7-152.

4. He has not refused to submit to a reasonable physical examination by a physician appointed by the Board.

5. His disability is not the result of a mental or physical condition which existed on the earliest date of service from which he has uninterrupted service, including prior service, at the date of his disability, provided that this limitation is not applicable if the date of disability is after December 31, 2001, nor is it shall-not-be applicable to a participating employee who: (i) on the date of disability has 5 years of creditable service, exclusive of creditable service for periods of disability; or (ii) received no medical treatment for the condition for the 3 years immediately prior to such earliest date of service.

6. He is not separated from the service of the participating municipality or instrumentality thereof or participating instrumentality which employed him on the date his temporary disability was incurred; for the purposes of payment of temporary disability benefits, a participating employee, whose employment relationship is terminated by his employing municipality, shall be deemed not to be separated from the service of his employing municipality or participating

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instrumentality if he continues disabled by the same condition and so long as he is otherwise entitled to such disability benefit.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/7-151) (from Ch. 108 1/2, par. 7-151)

Sec. 7-151. Total and permanent disability benefits - Commencement and duration. Permanent disability benefits shall be payable:

- (a) As of the date temporary disability benefits are exhausted;
- (b) Once a month as of the end of each month;
- (c) For less than a month in a fraction equal to that created by making the number of days of disability in the month the numerator and the number of the days in the month the denominator;
- (d) To the beneficiary of a deceased employee for the unpaid amount accrued to the date of death;
- (e) While total and permanent disability continues;
- (f) For the period ending on the last day of the month which is the later of the following:

1. the month that the participating employee attains the age for a full Social Security old-age insurance benefit age-65;

2. the month which is 5 years after the month the participating employee became disabled as provided in Section 7-146.

(Source: P.A. 86-272.)

(40 ILCS 5/7-152) (from Ch. 108 1/2, par. 7-152)

Sec. 7-152. Disability benefits - Amount. The amount of the monthly temporary and total and permanent disability benefits shall be 50% of the participating employee's final rate of earnings on the date disability was incurred, subject to the following adjustments:

(a) If the participating employee has a reduced rate of earnings at the time his employment ceases because of disability, the rate of earnings shall be computed on the basis of his last 12 month period of full-time employment.

(b) If the participating employee is eligible for a disability benefit under the federal Social Security Act, the amount of monthly disability benefits shall be reduced, but not to less than \$10 a month, by the amount he would be eligible to receive as a disability benefit under the federal Social Security Act, whether or not because of service as a covered employee under this Article. The reduction shall be effective as of the month the employee is eligible for Social Security disability benefits. The Board may make such reduction if it appears that the employee may be so eligible pending determination of eligibility and make an appropriate adjustment if necessary after such determination. If the employee, because of his refusal to accept rehabilitation services under the federal Rehabilitation Act of 1973 or the federal Social Security Act, or because he is receiving workers' compensation benefits, has his Social Security benefits reduced or terminated, the disability benefit shall be reduced as if the employee were receiving his full Social Security disability benefit.

(c) If the employee (i) is over the age for a full Social Security old-age insurance benefit age-65, (ii) was not eligible for a Social Security disability benefit immediately before reaching that age, age-65 and (iii) is eligible for a full Social Security old-age insurance benefit, then the amount of the monthly disability benefit shall be reduced, but not to less than \$10 a month, by the amount of the old-age insurance benefit to which the employee is entitled, whether or not the employee applies for the Social Security old-age insurance benefit. This reduction shall be made in the month after the month in which the employee attains the age for a full Social Security old-age insurance benefit age-65. However, if the employee

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was receiving a Social Security disability benefit before reaching the age for a full Social Security old-age insurance benefit age-65, the disability benefits after ~~that age~~ age--65 shall be determined under subsection (b) of this Section.

(d) The amount of disability benefits shall not be reduced by reason of any increase, other than one resulting from a correction in the employee's wage records, in the amount of disability or old-age insurance benefits under the federal Social Security Act which takes effect after the month of the initial reduction under paragraph (b) or (c) of this Section.

(e) If the employee in any month receives compensation from gainful employment which is more than 25% of the final rate of earnings on which his disability benefits are based, the temporary disability benefit payable for that month shall be reduced by an amount equal to such excess.

(f) An employee who has been disabled for at least 30 days may return to work for the employer on a part-time basis for a trial work period of up to one year, during which the disability shall be deemed to continue. Service credit shall continue to accrue and the disability benefit shall continue to be paid during the trial work period, but the benefit shall be reduced by the amount of earnings received by the disabled employee. Return to service on a full-time basis shall terminate the trial work period. The reduction under this subsection (f) shall be in lieu of the reduction, if any, required under subsection (e).

(g) Beginning January 1, 1988, every total and permanent disability benefit shall be increased by 3% of the original amount of the benefit, not compounded, on each January 1 following the later of (1) the date the total and permanent disability benefit begins, or (2) the date the total and permanent disability benefit would have begun if the employee had been paid a temporary disability benefit for 30 months.

(Source: P.A. 87-740.)

(40 ILCS 5/7-166) (from Ch. 108 1/2, par. 7-166)

Sec. 7-166. Separation benefits - Eligibility. Separation benefits shall be payable as hereinafter set forth:

1. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is not entitled to a retirement annuity shall be entitled to a separation benefit.

2. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is entitled to a retirement annuity of less than \$30 per month for life may elect to take a separation benefit in lieu of the retirement annuity.

3. Upon separation from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities, any participating employee who, on the date of application for such benefit, is entitled to a retirement annuity, but wishes instead to use the amounts to his or her credit in the Fund to purchase credit in another retirement plan, may elect to take a separation benefit in lieu of the retirement annuity.

(Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)

Sec. 7-172. Contributions by participating municipalities and participating instrumentalities.

(a) Each participating municipality and each participating

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instrumentality shall make payment to the fund as follows:

1. municipality contributions in an amount determined by applying the municipality contribution rate to each payment of earnings paid to each of its participating employees;

2. an amount equal to the employee contributions provided by paragraphs (a) and (b) of Section 7-173, whether or not the employee contributions are withheld as permitted by that Section;

3. all accounts receivable, together with interest charged thereon, as provided in Section 7-209;

4. if it has no participating employees with current earnings, an amount payable which, over a period of 20 years beginning with the year following an award of benefit, will amortize, at the effective rate for that year, any negative balance in its municipality reserve resulting from the award. This amount when established will be payable as a separate contribution whether or not it later has participating employees.

(b) A separate municipality contribution rate shall be determined for each calendar year for all participating municipalities together with all instrumentalities thereof. The municipality contribution rate shall be determined for participating instrumentalities as if they were participating municipalities. The municipality contribution rate shall be the sum of the following percentages:

1. The percentage of earnings of all the participating employees of all participating municipalities and participating instrumentalities which, if paid over the entire period of their service, will be sufficient when combined with all employee contributions available for the payment of benefits, to provide all annuities for participating employees, and the \$3,000 death benefit payable under Sections 7-158 and 7-164, such percentage to be known as the normal cost rate.

2. The percentage of earnings of the participating employees of each participating municipality and participating instrumentalities necessary to adjust for the difference between the present value of all benefits, excluding temporary and total and permanent disability and death benefits, to be provided for its participating employees and the sum of its accumulated municipality contributions and the accumulated employee contributions and the present value of expected future employee and municipality contributions pursuant to subparagraph 1 of this paragraph (b). This adjustment shall be spread over the remainder of the period that is allowable under generally accepted accounting principles of 40 years from the first of the year following the date of determination.

3. The percentage of earnings of the participating employees of all municipalities and participating instrumentalities necessary to provide the present value of all temporary and total and permanent disability benefits granted during the most recent year for which information is available.

4. The percentage of earnings of the participating employees of all participating municipalities and participating instrumentalities necessary to provide the present value of the net single sum death benefits expected to become payable from the reserve established under Section 7-206 during the year for which this rate is fixed.

5. The percentage of earnings necessary to meet any deficiency arising in the Terminated Municipality Reserve.

(c) A separate municipality contribution rate shall be computed for each participating municipality or participating instrumentality for its sheriff's law enforcement employees.

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A separate municipality contribution rate shall be computed for the sheriff's law enforcement employees of each forest preserve district that elects to have such employees. For the period from January 1, 1986 to December 31, 1986, such rate shall be the forest preserve district's regular rate plus 2%.

In the event that the Board determines that there is an actuarial deficiency in the account of any municipality with respect to a person who has elected to participate in the Fund under Section 3-109.1 of this Code, the Board may adjust the municipality's contribution rate so as to make up that deficiency over such reasonable period of time as the Board may determine.

(d) The Board may establish a separate municipality contribution rate for all employees who are program participants employed under the federal Comprehensive Employment Training Act by all of the participating municipalities and instrumentalities. The Board may also provide that, in lieu of a separate municipality rate for these employees, a portion of the municipality contributions for such program participants shall be refunded or an extra charge assessed so that the amount of municipality contributions retained or received by the fund for all CETA program participants shall be an amount equal to that which would be provided by the separate municipality contribution rate for all such program participants. Refunds shall be made to prime sponsors of programs upon submission of a claim therefor and extra charges shall be assessed to participating municipalities and instrumentalities. In establishing the municipality contribution rate as provided in paragraph (b) of this Section, the use of a separate municipality contribution rate for program participants or the refund of a portion of the municipality contributions, as the case may be, may be considered.

(e) Computations of municipality contribution rates for the following calendar year shall be made prior to the beginning of each year, from the information available at the time the computations are made, and on the assumption that the employees in each participating municipality or participating instrumentality at such time will continue in service until the end of such calendar year at their respective rates of earnings at such time.

(f) Any municipality which is the recipient of State allocations representing that municipality's contributions for retirement annuity purposes on behalf of its employees as provided in Section 12-21.16 of the Illinois Public Aid Code shall pay the allocations so received to the Board for such purpose. Estimates of State allocations to be received during any taxable year shall be considered in the determination of the municipality's tax rate for that year under Section 7-171. If a special tax is levied under Section 7-171, none of the proceeds may be used to reimburse the municipality for the amount of State allocations received and paid to the Board. Any multiple-county or consolidated health department which receives contributions from a county under Section 11.2 of "An Act in relation to establishment and maintenance of county and multiple-county health departments", approved July 9, 1943, as amended, or distributions under Section 3 of the Department of Public Health Act, shall use these only for municipality contributions by the health department.

(g) Municipality contributions for the several purposes specified shall, for township treasurers and employees in the offices of the township treasurers who meet the qualifying conditions for coverage hereunder, be allocated among the several school districts and parts of school districts serviced by such treasurers and employees in the proportion which the amount of school funds of each district or part of a district handled by the treasurer bears to the total amount of all school funds handled by the treasurer.

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From the funds subject to allocation among districts and parts of districts pursuant to the School Code, the trustees shall withhold the proportionate share of the liability for municipality contributions imposed upon such districts by this Section, in respect to such township treasurers and employees and remit the same to the Board.

The municipality contribution rate for an educational service center shall initially be the same rate for each year as the regional office of education or school district which serves as its administrative agent. When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

The municipality contribution rate for a public agency, other than a vocational education cooperative, formed under the Intergovernmental Cooperation Act shall initially be the average rate for the municipalities which are parties to the intergovernmental agreement. When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

(h) Each participating municipality and participating instrumentality shall make the contributions in the amounts provided in this Section in the manner prescribed from time to time by the Board and all such contributions shall be obligations of the respective participating municipalities and participating instrumentalities to this fund. The failure to deduct any employee contributions shall not relieve the participating municipality or participating instrumentality of its obligation to this fund. Delinquent payments of contributions due under this Section may, with interest, be recovered by civil action against the participating municipalities or participating instrumentalities. Municipality contributions, other than the amount necessary for employee contributions and Social Security contributions, for periods of service by employees from whose earnings no deductions were made for employee contributions to the fund, may be charged to the municipality reserve for the municipality or participating instrumentality.

(i) Contributions by participating instrumentalities shall be determined as provided herein except that the percentage derived under subparagraph 2 of paragraph (b) of this Section, and the amount payable under subparagraph 5 of paragraph (a) of this Section, shall be based on an amortization period of 10 years.

(Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/15-148) (from Ch. 108 1/2, par. 15-148)

Sec. 15-148. Survivors insurance benefits - General provisions. The survivors annuity is payable monthly. Any annuity due but unpaid upon the death of the annuitant, shall be paid to the annuitant's estate.

A person who becomes entitled to more than one survivors insurance benefit because of the death of 2 or more persons shall receive only the largest of the benefits; except that this limitation does not apply to a survivors insurance beneficiary who is entitled to a survivor's annuity by reason of a mental or physical disability.

A survivors insurance beneficiary or the personal representative of the estate of a deceased survivors insurance beneficiary or the personal representative of a survivors insurance beneficiary who is under a legal disability may waive the right to receive survivorship benefits, provided written notice of the waiver is given by the beneficiary or representative to the board within 6 months after the death of the participant or annuitant and before any payment is made pursuant to an application filed by such person.

(Source: P.A. 83-1440.)

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(40 ILCS 5/15-154) (from Ch. 108 1/2, par. 15-154)  
Sec. 15-154. Refunds.

(a) A participant whose status as an employee is terminated, regardless of cause, or who has been on lay off status for more than 120 days, and who is not on leave of absence, is entitled to a refund of contributions upon application; except that not more than one such refund application may be made during any academic year.

Except as set forth in subsections (a-1) and (a-2), the refund shall be the sum of the accumulated normal, additional and survivors insurance contributions, less the amount of interest credited on these contributions each year in excess of 4 1/2% of the amount on which interest was calculated.

(a-1) A person who elects, in accordance with the requirements of Section 15-134.5, to participate in the portable benefit package and who becomes a participating employee under that retirement program upon the conclusion of the one-year waiting period applicable to the portable benefit package election shall have his or her refund calculated in accordance with the provisions of subsection (a-2).

(a-2) The refund payable to a participant described in subsection (a-1) shall be the sum of the participant's accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117. If the participant terminates with 5 or more years of service for employment as defined in Section 15-113.1, he or she shall also be entitled to a distribution of employer contributions in an amount equal to the sum of the accumulated normal and additional contributions, as defined in Sections 15-116 and 15-117.

(b) Upon acceptance of a refund, the participant forfeits all accrued rights and credits in the System, and if subsequently reemployed, the participant shall be considered a new employee subject to all the qualifying conditions for participation and eligibility for benefits applicable to new employees. If such person again becomes a participating employee and continues as such for 2 years, or is employed by an employer and participates for at least 2 years in the Federal Civil Service Retirement System, all such rights, credits, and previous status as a participant shall be restored upon repayment of the amount of the refund, together with compound interest thereon from the date the refund was received to the date of repayment at the rate of 6% per annum through August 31, 1982, and at the effective rates after that date. Notwithstanding Section 1-103.1 and the other provisions of this Section, a person who was a participant in the System from February 14, 1966 until March 13, 1981 may restore credits previously forfeited by acceptance of a refund, without returning to service, by applying in writing and repaying to the System by July 1, 2002 the amount of the refund plus interest at the effective rate calculated from the date of the refund to the date of repayment.

(c) If a participant covered under the traditional benefit package has made survivors insurance contributions, but has no survivors insurance beneficiary upon retirement, he or she shall be entitled to elect a refund of the accumulated survivors insurance contributions, or to elect an additional annuity the value of which is equal to the accumulated survivors insurance contributions. This election must be made prior to the date the person's retirement annuity is approved by the Board of Trustees.

(d) A participant, upon application, is entitled to a refund of his or her accumulated additional contributions attributable to the additional contributions described in the last sentence of subsection (c) of Section 15-157. Upon the acceptance of such a refund of accumulated additional contributions, the participant forfeits all rights and credits which may have accrued because of such

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contributions.

(e) A participant who terminates his or her employee status and elects to waive service credit under Section 15-154.2, is entitled to a refund of the accumulated normal, additional and survivors insurance contributions, if any, which were credited the participant for this service, or to an additional annuity the value of which is equal to the accumulated normal, additional and survivors insurance contributions, if any; except that not more than one such refund application may be made during any academic year. Upon acceptance of this refund, the participant forfeits all rights and credits accrued because of this service.

(f) If a police officer or firefighter receives a retirement annuity under Rule 1 or 3 of Section 15-136, he or she shall be entitled at retirement to a refund of the difference between his or her accumulated normal contributions and the normal contributions which would have accumulated had such person filed a waiver of the retirement formula provided by Rule 4 of Section 15-136.

(g) If, at the time of retirement, a participant would be entitled to a retirement annuity under Rule 1, 2, 3, 4, or 5 of Section 15-136, or under Section 15-136.4, that exceeds the maximum specified in clause (1) of subsection (c) of Section 15-136, he or she shall be entitled to a refund of the employee contributions, if any, paid under Section 15-157 after the date upon which continuance of such contributions would have otherwise caused the retirement annuity to exceed this maximum, plus compound interest at the effective rates.

(Source: P.A. 90-448, eff. 8-16-97; 90-576, eff. 3-31-98; 90-766, eff. 8-14-98; 91-887 (Sections 10 and 25), eff. 7-6-00; revised 9-1-00.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hawkinson, House Bill No. 2228 was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Cronin, House Bill No. 2425 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, House Bill No. 2595 was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator R. Madigan, House Bill No. 2665 was taken

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up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 3008 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 3095 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 3194 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 3375 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, House Bill No. 3566 was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator O'Malley, House Bill No. 2157 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2157 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 16-106, 16-118, 16-129.1, 17-106, 17-116.3, 17-116.4, 17-119.1, 17-121, and 17-149 as follows:

(40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

Sec. 16-106. Teacher. "Teacher": The following individuals, provided that, for employment prior to July 1, 1990, they are employed on a full-time basis, or if not full-time, on a permanent and continuous basis in a position in which services are expected to be rendered for at least one school term:

(1) Any educational, administrative, professional or other staff employed in the public common schools included within this system in a position requiring certification under the law governing the certification of teachers;

(2) Any educational, administrative, professional or other staff employed in any facility of the Department of Children and Family Services or the Department of Human Services, in a position requiring certification under the law governing the certification of teachers, and any person who (i) works in such a position for the Department of Corrections, (ii) was a member of this System on May 31, 1987, and (iii) did not elect to become a member of the State Employees' Retirement System pursuant to Section 14-108.2 of this Code;

(3) Any regional superintendent of schools, assistant regional superintendent of schools, State Superintendent of Education; any person employed by the State Board of Education as an executive; any executive of the boards engaged in the service of public common school education in school districts covered under this system of which the State Superintendent of Education is an ex-officio member;

(4) Any employee of a school board association operating in compliance with Article 23 of the School Code who is certificated under the law governing the certification of teachers;

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(5) Any person employed by the retirement system who:  
 (i) was an employee of and a participant in the system  
on the effective date of this amendatory Act of the 92nd  
General Assembly, or

(ii) becomes an employee of the system on or after the  
effective date of this amendatory Act of the 92nd General  
Assembly; as an executive, and any person employed by the  
retirement system who is certificated under the law  
governing the certification of teachers;

(6) Any educational, administrative, professional or other staff employed by and under the supervision and control of a regional superintendent of schools, provided such employment position requires the person to be certificated under the law governing the certification of teachers and is in an educational program serving 2 or more districts in accordance with a joint agreement authorized by the School Code or by federal legislation;

(7) Any educational, administrative, professional or other staff employed in an educational program serving 2 or more school districts in accordance with a joint agreement authorized by the School Code or by federal legislation and in a position requiring certification under the laws governing the certification of teachers;

(8) Any officer or employee of a statewide teacher organization or officer of a national teacher organization who is certified under the law governing certification of teachers, provided: (i) the individual had previously established creditable service under this Article, (ii) the individual files with the system an irrevocable election to become a member, and (iii) the individual does not receive credit for such service under any other Article of this Code;

(9) Any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certificated under the law governing the certification of teachers.

An annuitant receiving a retirement annuity under this Article or under Article 17 of this Code who is temporarily employed by a board of education or other employer not exceeding that permitted under Section 16-118 is not a "teacher" for purposes of this Article. A person who has received a single-sum retirement benefit under Section 16-136.4 of this Article is not a "teacher" for purposes of this Article.

(Source: P.A. 89-450, eff. 4-10-96; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-448, eff. 8-16-97.)

(40 ILCS 5/16-118) (from Ch. 108 1/2, par. 16-118)

Sec. 16-118. Retirement. "Retirement": Entry upon a retirement annuity or receipt of a single-sum retirement benefit granted under this Article after termination of active service as a teacher.

An annuitant receiving a retirement annuity other than a disability retirement annuity may accept employment as a teacher from a school board or other employer specified in Section 16-106 without impairing retirement status if that employment: (1) is not within the school year during which service was terminated; and (2) does not exceed 100 paid days or 500 paid hours in any school year during the period beginning July 1, 2001 through June 30, 2006, 120 paid days or 600 paid hours in each school year. Where such permitted employment is partly on a daily and partly on an hourly basis, a day shall be considered as 5 hours.

(Source: P.A. 86-273; 87-11; 87-794; 87-895.)

(40 ILCS 5/16-129.1)

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Sec. 16-129.1. Optional increase in retirement annuity.

(a) A member of the System may qualify for the augmented rate under subdivision (a)(B)(1) of Section 16-133 for all years of creditable service earned before July 1, 1998 by making the optional contribution specified in subsection (b). A member may not elect to qualify for the augmented rate for only a portion of his or her creditable service earned before July 1, 1998.

(b) The contribution shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the number of years of creditable service earned by the member before July 1, 1998 or 20, whichever is less. This contribution shall be reduced by 1.0% of that salary rate for every 3 full years of creditable service earned by the member after June 30, 1998. The contribution shall be further reduced at the rate of 25% of the contribution (as reduced for service after June 30, 1998) for each year of the member's total creditable service in excess of 34 years. The contribution shall not in any event exceed 20% of that salary rate.

The member shall pay to the System the amount of the contribution as calculated at the time of application under this Section. The amount of the contribution determined under this subsection shall be recalculated at the time of retirement, and if the System determines that the amount paid by the member exceeds the recalculated amount, the System shall refund the difference to the member with regular interest from the date of payment to the date of refund.

The contribution required by this subsection shall be paid in one of the following ways or in a combination of the following ways that does not extend over more than 5 years:

- (i) in a lump sum on or before the date of retirement;
- (ii) in substantially equal installments over a period of time not to exceed 5 years, as a deduction from salary in accordance with subsection (b) of Section 16-154;
- (iii) if the member becomes an annuitant before June 30, 2003, in substantially equal monthly installments over a 24-month period, by reducing the annuitant's monthly benefit over a 24-month period by the amount of the otherwise applicable contribution. For federal and Illinois tax purposes, the monthly amount by which the annuitant's benefit is reduced shall not be treated as a contribution by the annuitant, but rather as a reduction of the annuitant's monthly benefit.

(c) If the member fails to make the full contribution under this Section in a timely fashion, the payments made under this Section shall be refunded to the member, without interest. If the member dies before making the full contribution, the payments made under this Section, together with regular interest thereon, shall be refunded to the member's designated beneficiary for benefits under Section 16-138.

(d) For purposes of this Section and subdivision (a)(B)(1) of Section 16-133, optional creditable service established by a member shall be deemed to have been earned at the time of the employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this System.

(e) The contributions required under this Section are the responsibility of the teacher and not the teacher's employer. However, an employer of teachers may, after the effective date of this amendatory Act of 1998, specifically agree, through collective bargaining or otherwise, to make the contributions required by this Section on behalf of those teachers.

(f) A person who, on or after July 1, 1998 and before June 4,

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1999, began receiving a retirement annuity calculated at the augmented rate may apply in writing to have the annuity recalculated to reflect the changes to this Section and Section 16-133 that were enacted in Public Act 91-17. The amount of any resulting decrease in the optional contribution shall be refunded to the annuitant, without interest. Any resulting increase in retirement annuity shall take effect on the next annuity payment date following the date of application under this subsection.

(Source: P.A. 90-582, eff. 5-27-98; 91-17, eff. 6-4-99.)

(40 ILCS 5/17-106) (from Ch. 108 1/2, par. 17-106)

Sec. 17-106. Contributor, member or teacher. "Contributor", "member" or "teacher": All members of the teaching force of the city, including principals, assistant principals, the general superintendent of schools, deputy superintendents of schools, associate superintendents of schools, assistant and district superintendents of schools, members of the Board of Examiners, all other persons whose employment requires a teaching certificate issued under the laws governing the certification of teachers, any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certified under the law governing the certification of teachers, and employees of the Board, but excluding persons contributing concurrently to any other public employee pension system in Illinois for the same employment or receiving retirement pensions under another Article of this Code for that same employment, persons employed on an hourly basis, and persons receiving pensions from the Fund who are employed temporarily by an Employer for 150 100 days or less in any school year and not on an annual basis.

In the case of a person who has been making contributions and otherwise participating in this Fund prior to the effective date of this amendatory Act of the 91st General Assembly, and whose right to participate in the Fund is established or confirmed by this amendatory Act, such prior participation in the Fund, including all contributions previously made and service credits previously earned by the person, are hereby validated.

The changes made to this Section and Section 17-149 by this amendatory Act of the 92nd General Assembly apply without regard to whether the person was in service on or after the effective date of this amendatory Act, notwithstanding Sections 1-103.1 and 17-157.

(Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98; 91-887, eff. 7-6-00.)

(40 ILCS 5/17-116.3)

Sec. 17-116.3. Early retirement incentives.

(a) A teacher who is covered by a collective bargaining agreement shall not be eligible for the early retirement incentives provided under this Section unless the collective bargaining agent and the Board of Education have entered into an agreement under which the agent agrees that any payment for accumulated unused sick days to which the employee is entitled upon withdrawal from service may be paid by the Board of Education in installments over a period of up to 5 years, and a copy of this agreement has been filed with the Board of the Fund.

To be eligible for the benefits provided in this Section, a person must:

- (1) be a member of this Fund who, on or after May 1, 1993, is (i) in active payroll status as a teacher, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) on leave of absence from such a position, but only if the member on leave has not been receiving a disability benefit under this Article for a continuous period

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of 2 years or more as of the date of application;

(2) have not previously received a retirement pension under this Article;

(3) file with the Board and the Board of Education, before August 15, 1993, a written application requesting the benefits provided in this Section and a notice of resignation from employment, which resignation must take effect before September 1, 1993 unless the applicant's retirement is delayed under subsection (e), (f), or (f-5) of this Section;

(4) be eligible to receive a retirement pension under this Article (for which purpose any age enhancement or creditable service received under this Section may be used) and elect to receive the retirement pension beginning no earlier than June 1, 1993 and no later than September 1, 1993 or the date established under subsection (e), (f), or (f-5) of this Section, if applicable;

(5) have attained age 50 (without the use of any age enhancement or creditable service received under this Section) by the effective date of the retirement pension;

(6) have at least 5 years of creditable service under this Fund or any of the participating systems under the Retirement Systems Reciprocal Act (without the use of any creditable service received under this Section) by the effective date of the retirement pension.

(b) An eligible person may establish up to 5 years of creditable service under this Section. In addition, for each period of creditable service established under this Section, a person's age at retirement shall be deemed to be increased by an equal period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the purposes of Section 17-116.1, and the determination of average salary or compensation under this or any other Article of this Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate pension payable by this Fund under the Retirement Systems Reciprocal Act), except for purposes of the reversionary pension under Section 17-120, and distributions required by federal law on account of age. However, age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, the employer must pay to the Fund an employer contribution consisting of 12% of the member's highest annual full-time rate of compensation for each year of creditable service granted under this Section.

The employer contribution shall be paid to the Fund in one of the following ways: (i) in a single sum at the time of the member's retirement, (ii) in equal quarterly installments over a period of 5 years from the date of retirement, or (iii) subject to the approval of the Board of the Fund, in unequal installments over a period of no more than 5 years from the date of retirement, as provided in a payment plan designed by the Fund to accommodate the needs of the employer. The employer's failure to make the required contributions in a timely manner shall not affect the payment of the retirement pension.

For all creditable service established under this Section, the employee must pay to the Fund an employee contribution consisting of 4% of the member's highest annual salary rate used in the determination of the retirement pension for each year of creditable

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service granted under this Section. The employee contribution shall be deducted from the retirement annuity in 24 monthly installments.

(d) An annuitant who has received any age enhancement or creditable service under this Section and whose pension is suspended or cancelled under Section 17-149 or 17-150 shall thereby forfeit the age enhancement and creditable service. The forfeiture of creditable service under this subsection shall not entitle the employer to a refund of the employer contribution paid under this Section, nor to forgiveness of any part of that contribution that remains unpaid. The forfeiture of creditable service under this subsection shall not entitle the employee to a refund of the employee contribution paid under this Section.

(e) If the number of employees of an employer that apply for early retirement under this Section exceeds 30% of those eligible, the employer may require that, for any or all of the number of applicants in excess of that 30%, the starting date of the retirement pension enhanced under this Section be no earlier than June 1, 1994 and no later than September 1, 1994. The right to have the retirement pension begin before June 1, 1994 shall be allocated among the applicants on the basis of seniority in the service of that employer.

This delay applies only to persons who are applying for early retirement incentives under this Section, and does not prevent a person whose application for early retirement incentives has been withdrawn from beginning to receive a retirement pension on the earliest date upon which the person is otherwise eligible under this Article.

(f) For a member who is notified after July 30, 1993, but before November 29, 1993, that he or she will become a supernumerary or reserve teacher in the 1993-1994 school year: (1) the August 15, 1993 application deadline in subdivision (a)(3) of this Section is extended to December 14, 1993, (2) the September 1, 1993 deadline in subdivision (a)(4) of this Section is extended to December 14, 1993, and (3) the member shall not be included in the calculation of the 30% under subsection (e) and is not subject to delay in retirement under that subsection.

(f-5) For a member who is notified after January 1, 1994, but before March 1, 1994, that he or she will become a reserve teacher in the 1993-1994 school year: (1) the August 15, 1993 application deadline in subdivision (a)(3) of this Section is extended to April 1, 1994; (2) the September 1, 1993 deadline in subdivision (a)(4) of this Section is extended to April 1, 1994; and (3) the member shall not be included in the calculation of the 30% under subsection (e) and is not subject to delay in retirement under that subsection.

(g) A member who receives any early retirement incentive under Section 17-116.4, 17-116.5 or 17-116.6 may not receive any early retirement incentive under this Section.

(h) The version of this Section included in Public Act 88-85 is intended to and shall control over the version of this Section included in Public Act 88-89, notwithstanding Section 6 of the Statute on Statutes. All persons qualifying for early retirement incentives under this Section shall be subject to the limitations and restrictions provided in the version of this Section included in Public Act 88-85, as amended by Public Act 88-511.

(i) In addition to the benefits provided under the other provisions of this Section, every person who receives early retirement benefits under this Section is entitled to one additional year of creditable service and a corresponding year of additional age enhancement, for which no additional contribution is required. Every person who receives early retirement benefits under this Section

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whose retirement annuity has been calculated on the basis of a 4-year average salary is also entitled to have the annuity recalculated on the basis of the average salary for the 3 highest consecutive years within the last 10 years of service.

The additional benefits provided by this subsection (i) shall begin to accrue on the date the retirement annuity began, notwithstanding Section 17-157. The Fund shall recalculate all annuities originally calculated under this Section to reflect the additional benefits provided under this subsection and shall pay to the annuitant in a lump sum the difference between the annuity payments paid before the date of the recalculation and the recalculated amount of those payments.

(Source: P.A. 88-85; 88-89; 88-511; 88-670, eff. 12-2-94.)

(40 ILCS 5/17-116.4)

Sec. 17-116.4. Early retirement incentives.

(a) A teacher who is covered by a collective bargaining agreement shall not be eligible for the early retirement incentives provided under this Section unless the collective bargaining agent and the Board of Education have entered into an agreement under which the agent agrees that any payment for accumulated unused sick days to which the employee is entitled upon withdrawal from service may be paid by the Board of Education in installments over a period of up to 5 years, and a copy of this agreement has been filed with the Board of the Fund.

To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this Fund who, on or after May 1, 1994, is (i) in active payroll status as a teacher, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) on leave of absence from such a position, but only if the member on leave has not been receiving a disability benefit under this Article for a continuous period of 2 years or more as of the date of application;

(2) have not previously received a retirement pension under this Article;

(3) file with the Board and the Board of Education, before March 1, 1994, a written application requesting the benefits provided in this Section and a notice of resignation from employment, which resignation must take effect no earlier than June 1, 1994 and no later than September 1, 1994 unless the applicant's retirement is delayed under subsection (e) of this Section;

(4) be eligible to receive a retirement pension under this Article (for which purpose any age enhancement or creditable service received under this Section may be used) and elect to receive the retirement pension beginning no earlier than June 1, 1994 and no later than September 1, 1994 or the date established under subsection (e) of this Section, if applicable;

(5) have attained age 50 (without the use of any age enhancement or creditable service received under this Section) after September 1, 1993 and no later than September 1, 1994;

(6) have at least 5 years of creditable service under this Fund or any of the participating systems under the Retirement Systems Reciprocal Act (without the use of any creditable service received under this Section) by the effective date of the retirement pension.

(b) An eligible person may establish up to 5 years of creditable service under this Section. In addition, for each period of creditable service established under this Section, a person's age at retirement shall be deemed to be increased by an equal period.

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The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the purposes of Section 17-116.1, and the determination of average salary or compensation under this or any other Article of this Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate pension payable by this Fund under the Retirement Systems Reciprocal Act), except for purposes of the reversionary pension under Section 17-120, and distributions required by federal law on account of age. However, age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, the employer must pay to the Fund an employer contribution consisting of 12% of the member's highest annual full-time rate of compensation for each year of creditable service granted under this Section.

The employer contribution shall be paid to the Fund in one of the following ways: (i) in a single sum at the time of the member's retirement, (ii) in equal quarterly installments over a period of 5 years from the date of retirement, or (iii) subject to the approval of the Board of the Fund, in unequal installments over a period of no more than 5 years from the date of retirement, as provided in a payment plan designed by the Fund to accommodate the needs of the employer. The employer's failure to make the required contributions in a timely manner shall not affect the payment of the retirement pension.

For all creditable service established under this Section, the employee must pay to the Fund an employee contribution consisting of 4% of the member's highest annual salary rate used in the determination of the retirement pension for each year of creditable service granted under this Section. The employee contribution shall be deducted from the retirement annuity in 24 monthly installments.

(d) An annuitant who has received any age enhancement or creditable service under this Section and whose pension is suspended or cancelled under Section 17-149 or 17-150 shall thereby forfeit the age enhancement and creditable service. The forfeiture of creditable service under this subsection shall not entitle the employer to a refund of the employer contribution paid under this Section, nor to forgiveness of any part of that contribution that remains unpaid. The forfeiture of creditable service under this subsection shall not entitle the employee to a refund of the employee contribution paid under this Section.

(e) If the number of employees of an employer that apply for early retirement under this Section exceeds 30% of those eligible, the employer may require that, for any or all of the number of applicants in excess of that 30%, the starting date of the retirement pension enhanced under this Section be no earlier than June 1, 1995 and no later than September 1, 1995. The right to have the retirement pension begin before June 1, 1995 shall be allocated among the applicants on the basis of seniority in the service of that employer.

This delay applies only to persons who are applying for early retirement incentives under this Section, and does not prevent a person whose application for early retirement incentives has been withdrawn from beginning to receive a retirement pension on the earliest date upon which the person is otherwise eligible under this Article.

(f) A member who receives any early retirement incentive under

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Section 17-116.3 may not receive any early retirement incentive under this Section.

(g) Notwithstanding Section 17-157, a person who is receiving early retirement benefits under this Section may establish service credit for a period of up to 3 weeks during the month of January, 1968, during which the person was prevented from working due to civil unrest or a wildcat strike. A person wishing to establish this credit must apply in writing to the Board within 30 days after the effective date of this amendatory Act of the 92nd General Assembly and pay to the Fund an employee contribution calculated at the rate and salary applicable to the employee at the time for which credit is being established, without interest. When a person establishes additional service credit under this subsection, the Fund shall recalculate the annuity originally granted under this Section to reflect the additional credit and shall pay to the annuitant in a lump sum the difference between the annuity payments paid before the date of the recalculation and the recalculated amount of those payments.

(Source: P.A. 88-85.)

(40 ILCS 5/17-119.1)

Sec. 17-119.1. Optional increase in retirement annuity.

(a) A member of the Fund may qualify for the augmented rate under subdivision (b)(3) of Section 17-116 for all years of creditable service earned before July 1, 1998 by making the optional contribution specified in subsection (b); except that a member who retires on or after July 1, 1998 with at least 30 years of creditable service at retirement qualifies for the augmented rate without making any contribution under subsection (b). Any member who retires on or after July 1, 1998 and before the effective date of this amendatory Act of the 92nd General Assembly with at least 30 years of creditable service shall be paid a lump sum equal to the amount he or she would have received under the augmented rate minus the amount he or she actually received. A member may not elect to qualify for the augmented rate for only a portion of his or her creditable service earned before July 1, 1998.

(b) The contribution shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the number of years of creditable service earned by the member before July 1, 1998 or 20, whichever is less. This contribution shall be reduced by 1.0% of that salary rate for every 3 full years of creditable service earned by the member after June 30, 1998. The contribution shall be further reduced at the rate of 25% of the contribution (as reduced for service after June 30, 1998) for each year of the member's total creditable service in excess of 34 years. The contribution shall not in any event exceed 20% of that salary rate.

The member shall pay to the Fund the amount of the contribution as calculated at the time of application under this Section. The amount of the contribution determined under this subsection shall be recalculated at the time of retirement, and if the Fund determines that the amount paid by the member exceeds the recalculated amount, the Fund shall refund the difference to the member with regular interest from the date of payment to the date of refund.

The contribution required by this subsection shall be paid in one of the following ways or in a combination of the following ways that does not extend over more than 5 years:

- (i) in a lump sum on or before the date of retirement;
- (ii) in substantially equal installments over a period of time not to exceed 5 years, as a deduction from salary in

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accordance with Section 17-130.2;

(iii) if the member becomes an annuitant before June 30, 2003, in substantially equal monthly installments over a 24-month period, by a deduction from the annuitant's monthly benefit.

(c) If the member fails to make the full contribution under this Section in a timely fashion, the payments made under this Section shall be refunded to the member, without interest. If the member dies before making the full contribution, the payments made under this Section shall be refunded to the member's designated beneficiary.

(d) For purposes of this Section and subsection (b) of Section 17-116, optional creditable service established by a member shall be deemed to have been earned at the time of the employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this Fund.

(e) The contributions required under this Section are the responsibility of the teacher and not the teacher's employer. However, an employer of teachers 3ay, after the effective date of this amendatory Act of 1998, specifically agree, through collective bargaining or otherwise, to make the contributions required by this Section on behalf of those teachers.

(Source: P.A. 90-582, eff. 5-27-98; 91-17, eff. 6-4-99.)

(40 ILCS 5/17-121) (from Ch. 108 1/2, par. 17-121)

Sec. 17-121. Survivor's and Children's pensions - Eligibility. A surviving spouse of a teacher shall be entitled to a survivor's pension only if he was married to the contributor for at least 1 1/2 years immediately prior to his death or retirement, whichever first occurs, and also on the date of the last termination of his service.

If the surviving spouse is under age 50 and there are no eligible minor children born to or legally adopted by the contributor and his surviving spouse, payment of the survivor's pension shall begin when the surviving spouse attains age 50.

Remarriage of the surviving spouse prior to September 1, 1983 while in receipt of a survivor's pension shall permanently terminate payment thereof, regardless of any subsequent change in marital status; however, beginning September 1, 1983, remarriage of a surviving spouse after attainment of age 55 shall not terminate the survivor's pension.

A surviving spouse whose pension was terminated on or after September 1, 1983 due to remarriage after attainment of age 55, and who applies for reinstatement of that pension before January 1, 1990, shall be entitled to have the pension reinstated effective January 1, 1990.

A surviving spouse of a member or annuitant under this Fund who is also a dependent beneficiary under the provisions of Section 16-140 is eligible for a reciprocal survivor's pension, provided that any refund of survivor's pension contributions is repaid to the Fund and application is made within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 86-273.)

(40 ILCS 5/17-149) (from Ch. 108 1/2, par. 17-149)

Sec. 17-149. Cancellation of pensions. If any person receiving a service or disability retirement pension from the Fund is re-employed as a teacher by an Employer, the pension shall be cancelled on the date the re-employment begins, or on the first day of a payroll period for which service credit was validated, whichever is earlier. However, beginning--August--23,--1989, the pension shall not be cancelled in case of a service retirement pensioner who is temporarily re-employed for not more than 150 100 days during any school year or on an hourly basis, provided the pensioner does not

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receive salary in any school year of an amount more than that payable to a substitute teacher for 150 100 days' employment. A service retirement pensioner who is temporarily re-employed for not more than 150 100 days during any school year or on an hourly basis shall be entitled, at the end of the school year, to a refund of any contributions made to the Fund during that school year.

If the pensioner does receive salary from an Employer in any school year for more than 150 100 days' employment, the pensioner shall be deemed to have returned to service on the first day of employment as a pensioner-substitute. The pensioner shall reimburse the Fund for pension payments received after the return to service and shall pay to the Fund the participant's contributions prescribed in Section 17-130 of this Article.

If the date of re-employment occurs within 5 school months after the date of previous retirement, exclusive of any vacation period, the member shall be deemed to have been out of service only temporarily and not permanently retired. Such person shall be entitled to pension payments for the time he could have been employed as a teacher and received salary, but shall not be entitled to pension for or during the summer vacation prior to his return to service.

When the member again retires on pension, the time of service and the money contributed by him during re-employment shall be added to the time and money previously credited. Such person must acquire 3 consecutive years of additional contributing service before he may retire again on a pension at a rate and under conditions other than those in force or attained at the time of his previous retirement.

Notwithstanding Sections 1-103.1 and 17-157, the changes to this Section made by this amendatory Act of 1997 shall apply without regard to whether termination of service occurred before the effective date of this amendatory Act and shall apply retroactively to August 23, 1989.

(Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Molaro, House Bill No. 478 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Molaro, House Bill No. 2099 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2099 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 9-101 as follows:

(40 ILCS 5/9-101) (from Ch. 108 1/2, par. 9-101)

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Sec. 9-101. Creation of fund. In each county of more than 3,000,000 inhabitants a County Employees' and Officers' Annuity and Benefit Fund shall be created, set apart, maintained and administered, in the manner prescribed in this Article, for the benefit of the employees and officers herein designated in this Article and their beneficiaries.  
(Source: P.A. 90-32, eff. 6-27-97.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

#### JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 15  
 Motion to Concur in House Amendment 1 to Senate Bill 93  
 Motion to Concur in House Amendment 1 to Senate Bill 333  
 Motion to Concur in House Amendment 1 to Senate Bill 382  
 Motion to Concur in House Amendment 1 to Senate Bill 993

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Mahar, House Bill No. 12 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link

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Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Sieben, House Bill No. 176 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None; Present 2.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard

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Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpiel  
 Klemm  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The following voted present:

Lauzen  
 Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

[May 16, 2001]

On motion of Senator Demuzio, House Bill No. 201 was recalled from the order of third reading to the order of second reading.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 201, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 18 by replacing "must" with "may"; and on page 4, line 31, by replacing "When investigating criminal behavior, to" with "To"; and on page 5, line 2, by inserting the following after "Section": "with the exception of Subsection (c)".

The motion prevailed and the amendment was adopted and ordered printed.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 201, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 5, by replacing lines 7 through 12 with the following:

"jury. Any person who knowingly (A) fails to appear in response to a subpoena or (B) fails to produce any books or papers pertinent to an investigation under this Section is guilty of a Class A misdemeanor. Any employee of the Office of the Secretary of State who knowingly (A) fails to answer any question or (B) gives false testimony during an investigation under this Section is guilty of a Class A misdemeanor."

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 201, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Jacobs, House Bill No. 269 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz

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Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpier  
 Klemm  
 Lauzen  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator E. Jones, House Bill No. 280 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

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Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Weaver  
Welch  
Woolard  
Mr. President

This bill, having received the vote of a constitutional majority  
of the members elected, was declared passed, and all amendments not

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adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator T. Walsh, House Bill No. 382 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith

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Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

#### HOUSE BILL RECALLED

On motion of Senator Rauschenberger, House Bill No. 418 was recalled from the order of third reading to the order of second reading.

Senator Rauschenberger offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 418, AS AMENDED, as follows:  
 by replacing everything after the enacting clause with the following:  
 "Section 5. The Toll Highway Act is amended by adding Section 9.12 as follows:

(605 ILCS 10/9.12 new)

#### Sec. 9.12. Land disclosure requirements.

(a) Disclosure required. The Authority may not enter into any agreement or understanding for the use or acquisition of land that is intended to be used or acquired for toll highway purposes unless full disclosure of all beneficial interests in the land is made under this Section.

(b) Condemnation proceedings. If the Authority commences condemnation proceedings to acquire land that is intended to be used or acquired for toll highway purposes, the holders of all beneficial interests in the land must make full disclosure under this Section unless the court determines that the disclosure would cause irreparable harm to one or more holders of a beneficial interest.

(c) Beneficial interests. Each holder of any beneficial interest in the land, including without limitation beneficial interests in a land trust, must be disclosed, including both individuals and other entities. If any beneficial interest is held by an entity, other than an entity whose shares are publicly traded, and not by an individual, then all the holders of any beneficial interest in that entity must be disclosed. This requirement continues at each level of holders of beneficial interests until all beneficial interests of all individuals in all entities, other than entities whose shares are publicly traded, have been disclosed.

(d) Written statement. Disclosure must be made by a written statement filed (i) with the Authority contemporaneously with the execution of the agreement or understanding or (ii) in the case of a condemnation proceeding, with the Authority and the court within a

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time period ordered by the court. Each individual and entity must be disclosed by name and address and by a description of the interest held, including the percentage interest in the land held by the individual or entity. The statement must be verified, subject to penalty of perjury, by the individual who holds the greatest percentage of beneficial interest in the land.

(e) Recordation. The Authority must file the statement of record with the recorder of each county in which any part of the land is located within 3 business days after the statement is filed with the Authority.

(f) Agreements and understandings void. Any agreement or understanding in violation of this Act is void.

(g) Penalty. A person who knowingly violates this Section is guilty of a business offense and shall be fined \$10,000.

(h) Other disclosure requirements. The disclosure required under this Act is in addition to, and not in lieu of, any other disclosure required by law.

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 418, as amended, was returned to the order of third reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Mahar, House Bill No. 445 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link

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Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woollard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Cullerton, House Bill No. 863 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard

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Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Burzynski, House Bill No. 1039 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 16, 2001]

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays 2.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Klemm  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

[May 16, 2001]

The following voted in the negative:

Lauzen  
Roskam

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 11:48 o'clock a.m., Senator Dudycz presiding.

On motion of Senator Petka, House Bill No. 1695 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpier  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka

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Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woollard  
 Mr. President

The following voted in the negative:

Syverson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

#### HOUSE BILL RECALLED

On motion of Senator Obama, House Bill No. 1887 was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Committee on Rules.

Senator Obama offered the following amendment and moved its adoption:

#### AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1887, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Lead Poisoning Prevention Act is amended by changing Sections 11.2 and 12 as follows:

(410 ILCS 45/11.2) (from Ch. 111 1/2, par. 1311.2)

Sec. 11.2. Administrative action ~~Revocation of License.~~  
 Pursuant to the Illinois Administrative Procedure Act and rules promulgated thereunder, the Department may deny, suspend, or revoke any license if the Department finds failure or refusal to comply with provisions of this Act or rules promulgated pursuant to the Act.

The Department may assess civil penalties against any licensed lead worker, licensed lead professional, licensed lead contractor, or approved lead training provider for violations of this Act and the rules promulgated hereunder, pursuant to rules for penalties established by the Department. Any penalties collected shall be deposited into the Lead Poisoning Screening, Prevention, and Abatement Fund.

(Source: P.A. 87-1144.)

(410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

[May 16, 2001]

Sec. 12. Violations of Act.

(a) Violation of any Section of this Act other than Section 7 shall be punishable as a Class A misdemeanor.

(b) In cases where a person is found to have mislabeled, possessed, offered for sale or transfer, sold or transferred, or given away lead-bearing substances, a representative of the Department shall confiscate the lead-bearing substances and retain the substances until they are shown to be in compliance with this Act.

(c) In addition to any other penalty provided under this Act, the court in an action brought under subsection (e) may impose upon any person who violates or does not comply with a notice of deficiency and a mitigation order issued under subsection (7) of Section 9 of this Act a civil penalty not exceeding \$2,500 for each violation, plus \$250 for each day that the violation continues.

Any civil penalties collected in a court proceeding shall be deposited into a delegated county lead poisoning screening, prevention, and abatement fund or, if no delegated county or lead poisoning screening, prevention, and abatement fund exists, into the Lead Poisoning Screening, Prevention, and Abatement Fund established under Section 7.2.

(d) Whenever the Department finds that an emergency exists that requires immediate action to protect the health of children under this Act, it may, without administrative procedure or notice, cause an action to be brought by the Attorney General or the State's Attorney of the county in which a violation has occurred for a temporary restraining order or a preliminary injunction to require such action as is required to meet the emergency and protect the health of children.

(e) The State's Attorney of the county in which a violation occurs or the Attorney General may bring an action for the enforcement of this Act and the rules adopted and orders issued under this Act, in the name of the People of the State of Illinois, and may, in addition to other remedies provided in this Act, bring an action for a temporary restraining order or preliminary injunction as described in subsection (d) or an injunction to restrain any actual or threatened violation or to impose or collect a civil penalty for any violation.

(Source: P.A. 87-175.)

Section 10. The Environmental Protection Act is amended by adding Section 22.28a as follows:

(415 ILCS 5/22.28a new)

Sec. 22.28a. White goods handled by scrap dealership or junkyard.

(a) No owner, operator, agent, or employee of a junkyard or scrap dealership may knowingly shred, scrap, dismantle, recycle, incinerate, handle, store, or otherwise manage any white good that contains any white good components in violation of this Act or any other applicable State or federal law.

(b) For the purposes of this Section, the terms "white goods" and "white goods components" have the same meaning as in Section 22.28.

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 1887, as amended, was returned to the order of third reading.

[May 16, 2001]

## READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, House Bill No. 1900 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 38; Nays 10; Present 9.

The following voted in the affirmative:

Bomke  
 Burzynski  
 Cronin  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Hawkinson  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Luechtefeld  
 Madigan, R.  
 Mahar  
 Munoz  
 Noland  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Shadid  
 Sieben  
 Sullivan  
 Syverson  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The following voted in the negative:

Cullerton  
 Halvorson  
 Jacobs  
 Jones, E.  
 Lightford  
 Ronen  
 Shaw  
 Silverstein

[May 16, 2001]

Smith  
Trotter

The following voted present:

Bowles  
Clayborne  
del Valle  
Hendon  
Link  
Madigan, L.  
Molaro  
Myers  
Obama

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Syverson, House Bill No. 1907 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays 1.

The following voted in the affirmative:

Bomke  
Bowles  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers

[May 16, 2001]

Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Wooldard  
 Mr. President

The following voted in the negative:

Burzynski

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Roskam, House Bill No. 2295 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis

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Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Dillard, House Bill No. 2301 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

[May 16, 2001]

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

[May 16, 2001]

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

#### HOUSE BILL RECALLED

On motion of Senator R. Madigan, House Bill No. 2419 was recalled from the order of third reading to the order of second reading.

Senator R. Madigan offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2419, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1 by replacing lines 21 and 22 with the following:

"Code, with continuous coverage does not constitute a refusal".

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 2419, as amended, was returned to the order of third reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Sullivan, House Bill No. 2575 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford

[May 16, 2001]



Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Parker, House Bill No. 3192 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio

[May 16, 2001]

Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpier  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Donahue, House Bill No. 3217 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title

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a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson

[May 16, 2001]

Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, House Bill No. 3262 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger

[May 16, 2001]

Ronen  
 Roskam  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Donahue, House Bill No. 3307 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpiel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.

[May 16, 2001]

Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Mahar, House Bill No. 3373 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz

[May 16, 2001]

Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

#### LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

[May 16, 2001]

Senate Amendment No. 1 to House Bill 39  
 Senate Amendment No. 1 to House Bill 1356  
 Senate Amendment No. 2 to House Bill 1692  
 Senate Amendment No. 1 to House Bill 1840  
 Senate Amendment No. 2 to House Bill 2432  
 Senate Amendment No. 1 to House Bill 3068  
 Senate Amendment No. 2 to House Bill 3247  
 Senate Amendment No. 2 to House Bill 3566  
 Senate Amendment No. 3 to House Bill 3566

#### MOTION IN WRITING

Senator Halvorson submitted the following Motion in Writing:

Pursuant to Senate Rule 7-9(a) and (b), I move to discharge the Senate Rules committee from further consideration of House Bill 2236 and have House Bill 2236 placed on the Senate Calendar on the order of 2nd Reading.

DATE: May 15, 2001

s/Debbie Halvorson	s/Miguel del Valle
s/Vince Demuzio	s/James A. DeLeo
s/Terry Link	s/Kimberly A. Lightford
s/William Shaw	s/Denny Jacobs
s/Robert S. Molaro	s/James F. Clayborne Jr.
s/Donne Trotter	s/Louis S. Viverito
s/Evelyn M. Bowles	s/Ira I. Silverstein
s/Larry D. Woolard	s/Barack Obama
s/George P. Shadid	s/John Cullerton
s/Larry Walsh	s/Rickey Hendon
s/William L. O'Daniel	s/Antonio Munoz
s/Pat Welch	s/Carol Ronen
s/Lisa Madigan	s/Emil Jones
s/Margaret Smith	

The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

#### MOTION TO DISCHARGE COMMITTEE

Senator Demuzio moved to discharge the Committee on Rules from further consideration of House Bill No. 2236 and that the bill be placed on the order of second reading.

The Chair ruled that Senator Demuzio's motion is out of order.

Senator Demuzio appealed the Ruling of the Chair.

And the motion then being, "Shall the ruling of the Chair be sustained".

And on that motion a call of the roll was had resulting as follows:

Yeas 31; Nays 25.

The following voted in the affirmative:

Bomke  
 Burzynski  
 Cronin  
 Dillard  
 Donahue

[May 16, 2001]



Dudycz  
 Geo-Karis  
 Hawkinson  
 Jones, W.  
 Karpiel  
 Klemm  
 Lauzen  
 Luechtefeld  
 Madigan, R.  
 Mahar  
 Myers  
 Noland  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Sieben  
 Sullivan  
 Syverson  
 Walsh, T.  
 Watson  
 Weaver  
 Mr. President

The following voted in the negative:

Bowles  
 Clayborne  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Halvorson  
 Hendon  
 Jacobs  
 Jones, E.  
 Link  
 Madigan, L.  
 Molaro  
 Munoz  
 Obama  
 O'Daniel  
 Ronen  
 Shaw  
 Silverstein  
 Smith  
 Trotter  
 Viverito  
 Walsh, L.  
 Welch  
 Woolard

The motion prevailed.  
 And the ruling of the Chair was sustained.

# PRESENTATION OF RESOLUTIONS

[May 16, 2001]

Senator T. Walsh offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 146

WHEREAS, Illinois highways and streets are crossed by many railroads; and

WHEREAS, Grade level railroad crossings pose unique dangers to the public; and

WHEREAS, Modern engineering and railroad technology have provided many advances to protect the public in the operation of railroads; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we request the Illinois Department of Transportation and the Illinois Commerce Commission to study the feasibility of limiting the number of new grade level railroad crossings; and be it further

RESOLVED, That this study be reported to the Governor of the State of Illinois and the President of the Illinois Senate as expeditiously as possible.

Senator Rauschenberger offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 147

WHEREAS, The current Illinois Procurement Code was enacted in 1998 as a comprehensive and sweeping reform of the State's procurement and purchasing practices; and

WHEREAS, The Illinois Procurement Code stipulates that all State construction contracts must be procured through competitive sealed bidding; and

WHEREAS, The Illinois Procurement Code states that all construction contracts that exceed \$250,000 are required to have separate specification and bidding for plumbing, heating, ventilation, electrical wiring, and general contract work; and

WHEREAS, Senate Bill 735 of the 92nd General Assembly was introduced to amend the Illinois Procurement Code and add "masonry" to the list of categories requiring separate bidding for State Construction contracts; and

WHEREAS, The Capital Development Board issued a fiscal note for Senate Bill 735 stating that this legislation is expected to raise the costs of projects by as much as ten percent to cover increased design, coordination, and administration costs, with the yearly impact estimated to be \$45,000,000; and

WHEREAS, The Capital Development Board also stated that Senate Bill 735 is expected to raise the Agency's administration costs by approximately \$1,000,000 in the first year and \$600,000 yearly thereafter; and

WHEREAS, Some would question if increasing the number of categories requiring bids would increase State cost by as much as \$45,000,000, if reducing the number of categories requiring separate bidding would decrease the cost of projects by as much as \$45,000,000 per category; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General shall study the possible effects of eliminating the five separate specifications for bidding on State construction contracts as a means of reducing the cost of State construction projects; and be it further

RESOLVED, That the study shall include the fiscal impact on the State of Illinois, construction contractors and construction sub-contractors; and be it further

[May 16, 2001]

RESOLVED, That the Auditor General shall report its finding and recommendations to the Illinois Senate no later than January 1, 2002; and be it further

RESOLVED, That a copy of this resolution be sent to the Auditor General.

Senator Shaw offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

#### SENATE JOINT RESOLUTION NO. 37

WHEREAS, The construction and operation of a third airport to serve the greater Chicago area would have tremendous impact upon the south suburban communities of that region, and a well-informed decision upon such an airport must be based on a thorough and deliberate study of that impact; and

WHEREAS, An airport's impact upon the environment is long-lasting and may range from air and water pollution to noise levels that disrupt educational and medical facilities and disturb both human and animal populations over a great distance; and

WHEREAS, The deleterious effects of an airport upon a community's existing physical infra-structure, in terms of deterioration and repair, may be dwarfed by the acceleration of the community's future infra-structure needs to meet traffic, utility, and emergency services demands generated by the operation of an airport; and

WHEREAS, Precious financial resources, such as local tax dollars and tax revenue sharing for local communities, may be diverted from local expenditures for law enforcement, schools, services for home-bound senior citizens, and transportation for the disabled in order to deal with the consequences of a third airport; and

WHEREAS, The financial drain of a new airport upon communities may occur simultaneously with declining property values, losses in employment, housing shortages, and increased costs of living; and

WHEREAS, The myriad concerns raised by the possibility of a third airport in the greater Chicago area warrant a thoughtful and detailed investigation into the probable impact of such a facility upon the south suburban communities of that region; therefore, be it

RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we request Chicago State University to conduct a study of the impact upon the south suburban communities of the construction and operation of a third airport to serve the greater Chicago area, and that we request that the study address all aspects of impact, including but not limited to the impact upon the economy, infra-structure, transportation, employment, health and human services, education, environment, crime, and quality of life; and be it further

RESOLVED, That we request that Chicago State University report upon its study to the General Assembly by January 15, 2002; and be it further

RESOLVED, That a copy of this resolution be presented to the President of Chicago State University.

#### REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 16, 2001 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

[May 16, 2001]

Education: Senate Amendment No. 2 to House Bill 1692; Senate Amendment No. 1 to House Bill 1840; Senate Amendments numbered 1, 2 and 3 to House Bill 3566.

Judiciary: Senate Amendment No. 1 to House Bill 2228.

Licensed Activities: Senate Amendment No. 1 to House Bill 273; Senate Amendment No. 2 to House Bill 572; Senate Amendment No. 1 to House Bill 1356; Senate Amendments numbered 2 and 3 to House Bill 2391; Senate Amendment No. 1 to House Bill 2595.

Local Government: Senate Amendment No. 3 to House Bill 2380.

Public Health and Welfare: Senate Amendment No. 1 to House Bill 3125; Senate Amendment No. 1 to House Bill 3128.

Transportation: Senate Amendment No. 1 to House Bill 39.

Senator Weaver, Chairperson of the Committee on Rules, during its May 16, 2001 meeting, reported the following House Resolution has been assigned to the indicated Standing Committee of the Senate:

Executive: House Joint Resolution No. 2.

Senator Weaver, Chairperson of the Committee on Rules, during its May 16, 2001 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committee of the Senate:

Executive: Senate Resolutions numbered 140, 142 and 147.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment No. 2 to House Bill No. 2432

Senate Amendment No. 2 to House Bill No. 3247

The foregoing floor amendments were placed on the Secretary's Desk.

#### COMMITTEE MEETING ANNOUNCEMENTS

Senator Burzynski, announced that the Education Committee will meet today in Room 212, Capitol Building, at 2:30 o'clock p.m.

Senator Burzynski, Chairperson of the Committee on Licensed Activities announced that the Licensed Activities Committee will meet today in Room 400, Capitol Building, at 3:30 o'clock p.m.

Senator Lauzen, Chairperson of the Committee on Commerce and Industry announced that the Commerce and Industry Committee will meet today in Room 212, Capitol Building, at 3:30 o'clock p.m.

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400, Capitol Building, at 4:00 o'clock p.m.

Senator Syverson, Vice-Chairperson of the Committee on Transportation announced that the Transportation Committee will meet today in Room A-1, Stratton Building, at 2:30 o'clock p.m.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare announced that the Public Health and Welfare Committee will meet Thursday, May 17, 2001, in Room 400, Capitol Building, at

[May 16, 2001]

9:00 o'clock a.m.

Senator Dillard, Chairperson of the Committee on Local Government announced that the Local Government Committee will meet Thursday, May 17, 2001 in Room A-1, Stratton Building, at 9:00 o'clock a.m.

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, at 3:00 o'clock p.m.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions announced that the Insurance and Pensions Committee will meet Thursday, May 17, 2001 in Room 212, Capitol Building, at 9:00 o'clock a.m.

Senator Peterson, Chairperson of the Committee on Revenue announced that the Revenue Committee will meet today in Room 400, Capitol Building, at 3:00 o'clock p.m.

At the hour of 1:05 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Thursday, May 17, 2001 at 12:00 o'clock noon.

[May 16, 2001]